

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17501-17545

FOODS

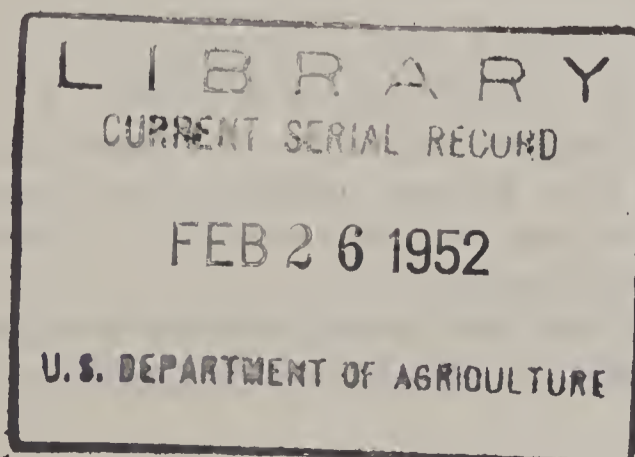
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting on reports submitted by the Federal Security Agency. This is a collection of cases adjudicated earlier than those now being recorded in current notices of judgment, but not published because complete records were not available immediately after the cases were terminated. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *February 1, 1952.*

CONTENTS

	Page		Page
Cereals and cereal products.....	234	Dairy products—Continued	
Bakery products.....	234	Cheese.....	245
Corn meal and flour.....	235	Cream and Milk.....	252
Macaroni and noodle products..	237	Eggs.....	254
Miscellaneous cereal products...	238	Fish and shellfish.....	256
Chocolate products, candy, and		Fruits and vegetables.....	258
sirup.....	238	Canned fruit.....	258
Chocolate products.....	238	Dried fruit.....	259
Candy.....	239	Frozen fruit.....	259
Sirup.....	242	Miscellaneous fruit products....	263
Dairy products.....	242	Vegetables.....	264
Butter.....	242	Index.....	266



CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCTS**

17501. Action to enjoin and restrain the interstate shipment of adulterated and misbranded bakery products. U. S. v. Cambridge Bakery and Clinton F. Phillips and L. Thurman Phillips. Decree for injunction entered. (Inj. No. 145.)

COMPLAINT FILED: September 11, 1946, District of Maryland, against the Cambridge Bakery, a partnership, Cambridge, Md., and Clinton F. Phillips and L. Thurman Phillips, partners.

NATURE OF CHARGE: That the defendants, since on or about June 29, 1945, to the time of filing the complaint, had been manufacturing and shipping in interstate commerce bakery products which were adulterated under Sections 402 (a) (3) and (4), in that they consisted in whole or in part of filthy substances and had been prepared, packed, and held under insanitary conditions whereby they became and were being contaminated with filth; that the defendants also had been manufacturing and shipping in interstate commerce foods which were misbranded under Sections 403 (e) (1) and (2) and Sections 403 (i) (1) and (2), in that they were in package form and failed to bear labels containing the name and address of the packer or distributor, an accurate statement of the quantity of the contents, and the common or usual name of the product; and with respect to the products which were fabricated from two or more ingredients, the labels failed to bear the common or usual name of each such ingredient.

The complaint alleged further that various investigations had been made of the defendants' place of business, during which they had been warned to remedy the defects existing in their methods of operation and to refrain from shipping adulterated or misbranded bakery products in interstate commerce, but that such warnings had been unheeded.

The complaint alleged also, on information and belief, that the defendants would continue to ship foods in interstate commerce in violation of the law unless restrained from so doing, and prayed that the court enter an order restraining such acts.

DISPOSITION: On October 11, 1946, the defendants having consented to the entry of a decree, judgment was entered ordering that the defendants and all persons acting on their behalf be enjoined and restrained from shipping, or causing to be shipped, foods and food products, more specifically bakery products, which were adulterated or misbranded in the manner alleged in the complaint.

17502. Action to enjoin and restrain the interstate shipment of adulterated cookies. U. S. v. Wesley L. Kinder (Jack's Cookie Co.). Injunction granted; subsequently dissolved. (Inj. No. 159.)

COMPLAINT FILED: January 6, 1947, Northern District of Oklahoma, against Wesley L. Kinder, doing business as Jack's Cookie Co., Vinita, Okla.

NATURE OF CHARGE: That the defendant was engaged in the business of manufacturing vanilla wafers, fig bars, oatmeal cookies, and similar products at Vinita, Okla., and that approximately one-third of these products was shipped by him in interstate commerce.

The complaint alleged that these products were adulterated within the meaning of Section 402 (a) (3), in that they contained filthy and putrid sub-

stances and were otherwise unfit for food; and, Section 402 (a) (4), in that they were prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that analyses of vanilla wafers and oatmeal cookies shipped by the defendant in interstate commerce disclosed that they contained insects, larvae, insect fragments, and rodent hair fragments in large numbers; that insanitary conditions consisted in mouse excreta, weevils, beetles, and other insects which were throughout the plant, and in the raw material, on the equipment and in various batches in material from which the cookies were made; that mouse pellets and excreta were upon the sacks of flour dumped into the elevator pits, and that this filth was dumped into these pits along with said flour and became part of the cookies and other products; that the defendant was using raisins in the manufacture of oatmeal cookies, which raisins were infested with beetles; and that the defendant had permitted live beetles and rodent excreta to become mixed with flour.

The complaint alleged also that the defendant had been requested to correct and remedy the filthy and insanitary conditions, but had failed, neglected, and refused to do so, and was continuing to prepare and package food products under the above-stated insanitary conditions; and that the defendant continued and would continue to introduce the adulterated products into interstate commerce unless permanently enjoined and restrained from so doing.

The complaint prayed that a permanent injunction be issued enjoining and restraining the defendant from continuing to introduce into interstate commerce adulterated food products, and that a temporary injunction be granted pending the final hearing.

DISPOSITION: January 24, 1947. The matter was heard before the court, and an injunction was entered enjoining the defendant from introducing into, or shipping in, interstate commerce any adulterated food products manufactured, prepared, packed, or shipped by him. On August 13, 1947, the defendant moved that the injunction be dissolved; and the court upon finding that there had been full compliance with the terms of the injunction, ordered that it be dissolved.

CORN MEAL AND FLOUR

17503. Action to enjoin and restrain the interstate shipment of adulterated corn meal and flour. U. S. v. Star Milling Co. and Urey W. Patrick and Dempsey W. Ringo. Injunction granted. (Inj. No. 105.)

COMPLAINT FILED: August 1, 1945, Western District of Kentucky, against the Star Milling Co., a corporation, Clinton, Ky., and Urey W. Patrick, president and secretary, and Dempsey W. Ringo, vice president, of the corporation.

NATURE OF CHARGE: That the defendants had been and were at the time introducing and causing to be introduced, and delivering and causing to be delivered, for introduction into interstate commerce, at Clinton, Ky., corn meal and flour which were adulterated under Section 402 (a) (3), in that they consisted in whole or in part of filthy substances and were otherwise unfit for food; and, Section 402 (a) (4), in that they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that inspections of the plant disclosed the existence of insanitary conditions and the presence of rodent excreta, and other foreign matter, and filthy, unwholesome substances in and around the

place of manufacture, in and around the raw materials and substances from which the products were manufactured, and in and around and adjacent to the place where the products were packed for shipment.

The complaint alleged further that the defendants had been warned to remedy the defects and insanitary conditions, but had failed to do so; that, on information and belief, the defendants would continue shipping adulterated foods in interstate commerce unless restrained from so doing, and prayed that they be perpetually enjoined from the commission of such acts; and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: On August 9, 1945, the matter was heard before the court. A temporary injunction was issued enjoining the defendants from shipping any adulterated food or food products in interstate commerce, and temporarily enjoining them from shipping any corn meal or flour manufactured at the time or on hand. On November 19, 1945, the temporary injunction was set aside and dissolved, and the court entered a decree permanently enjoining the defendant from introducing, delivering, or causing to be introduced or delivered for introduction into interstate commerce, any corn meal or flour manufactured or on hand prior to October 21, 1945, the date on which the premises of the defendant were decontaminated.

17504. Action to enjoin and restrain the interstate shipment of adulterated corn meal. U. S. v. Aylor & Meyer Co. and Wilford H. Aylor and Anthony N. Meyer. Decree for injunction entered. (Inj. No. 204.)

COMPLAINT FILED: On or about November 26, 1948, Southern District of Indiana, against Aylor & Meyer Co., a partnership, Aurora and Rising Sun, Ind., and Wilford H. Aylor and Anthony N. Meyer, partners.

NATURE OF CHARGE: That the defendants had been and were at the time of filing the complaint engaged in introducing and causing the introduction into interstate commerce of corn meal which was adulterated under Sections 402 (a) (3) and (4), in that it consisted in part of filthy substances such as rodent hair fragments, rodent excreta fragments, insect larvae, insect fragments, and other filth, and which had been and was being prepared, packed, and held under insanitary conditions at its plants in Aurora and Rising Sun, Ind., whereby it may have become contaminated with filth; that the insanitary conditions in the plants resulted from the presence of rodents, rodent excreta, beetles, weevils, and other insects, and other filthy substances in the areas where the product was being prepared, packed, and held, and in the machinery, equipment, and raw materials used in preparing, packing, and holding the corn meal so prepared; that the insanitary conditions consisted also of, and resulted from, general carelessness on the part of employees; and that these conditions subjected the corn meal produced by the defendants to contamination by filth.

The complaint alleged further that the defendants were continuing to introduce and to cause the introduction of corn meal into interstate commerce, and alleged, on information and belief, that they would continue to do so unless restrained. The complaint prayed the entry of a permanent injunction, and that a preliminary injunction issue, to restrain the defendants during the pendency of the proceedings.

DISPOSITION: On December 17, 1948, the case having been submitted to the court on the complaint and a stipulation of facts, the court entered a decree enjoining and restraining the defendants from introducing and causing to be introduced into interstate commerce corn meal which was adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.

MACARONI AND NOODLE PRODUCTS

17505. Action to enjoin and restrain the interstate shipment of adulterated macaroni and noodle products. U. S. v. Gioia Macaroni Co., Inc., and Antonio Gioia, Horace A. Gioia, and Madeline Gioia. Permanent injunction granted. (Inj. No. 116.)

COMPLAINT FILED: September 11, 1945, Western District of New York, against Gioia Macaroni Co., Inc., Rochester, N. Y., and Antonio Gioia, president, Horace A. Gioia, vice president and treasurer, and Madeline Gioia, secretary.

NATURE OF CHARGE: That the defendants had been and were at the time introducing and delivering for introduction into interstate commerce, at Rochester, N. Y., macaroni and noodle products; that an inspection of the plant of defendants, on February 4, 1943, showed that conditions at the plant, together with the manufacturing practices, were insanitary; that sacks of flour were stacked directly on the floor; that some of the sacks were rodent-gnawed and had mouse excreta pellets adhering to the outside thereof; that workmen dumped flour from the sacks into the bins for manufacture into the finished product, and mouse excreta pellets which adhered to the sacks were shaken into the bin; that the chutes used to convey flour from one storage bin to another were heavily insect-infested, which infestation included insect larvae and webbing which found its way into the finished product; that dead mice were on the floors of the drying cabinets; that some of the finished products were manufactured in part from re-ground macaroni scrap, which had been stored in uncovered barrels containing foreign substances, such as wood, paper, and dead weevils; and that inspections of March 2 and 31, 1943, April 18, 1944, and May 22 and June 27, 1945, showed the persistence of insanitary conditions in the plant.

The complaint alleged further that shipments of the firm's macaroni and noodle products had been examined and found to contain insect and rodent filth and other extraneous matter, and that many seizures of macaroni and noodle products shipped by the defendants in interstate commerce had been made, based on such findings; and that the defendant corporation was convicted on February 14, 1944, upon the entry of a plea of guilty to an information charging the interstate shipment of adulterated macaroni products, and was fined \$500.

The complaint alleged also, on information and belief, that the defendants would continue to ship their adulterated products in interstate commerce unless enjoined from so doing, and prayed that the defendants be enjoined from commission of the acts complained of.

DISPOSITION: October 25, 1945. The defendants having failed to appear, judgment was entered by default, perpetually enjoining the defendants from shipping, or causing to be shipped in interstate commerce, or aiding, assisting, directing, ordering, or otherwise participating in shipping in interstate commerce, any of the food products manufactured or stored, or under the control of any of the defendants at their plant at Rochester, N. Y., or elsewhere within the jurisdiction of the court, which were in violation of the Act.

MISCELLANEOUS CEREAL PRODUCTS

17506. Action to enjoin and restrain the interstate shipment of adulterated prepared bakers mixes. U. S. v. Myers & Hicks Co., Inc. Decree for injunction entered. (Inj. No. 191.)

COMPLAINT FILED: February 10, 1948, District of Maryland, against Myers & Hicks Co., Inc., Baltimore, Md.

NATURE OF CHARGE: That the defendant had been and was at the time of filing the complaint shipping and causing the shipment in interstate commerce, at Baltimore, Md., of prepared bakers mixes which were adulterated within the meaning of Sections 402 (a) (3) and (4), in that they consisted in part of filthy substances, such as larvae, rodent hair fragments, and insect fragments, and which were being prepared, packed, and held under insanitary conditions at the defendant's plant whereby they may have become contaminated with filth; that the insanitary conditions resulted from the presence of rodents, a cat, rodent excreta pellets, cat excreta, beetles, other insects, and nondescript dirt in and around the areas in the plant where the products were being prepared, packed, and held, and in and around equipment and raw materials used in the preparation of such products.

The complaint alleged further, on information and belief, that the defendant would continue the shipment and delivery for shipment of adulterated bakers mixes unless enjoined from so doing, and prayed that a perpetual injunction issue after due proceedings and that a preliminary injunction be entered to be effective during the pendency of such proceedings.

DISPOSITION: On September 13, 1948, the defendant having consented thereto, a decree was entered enjoining and restraining the defendant from introducing, or delivering for introduction, food and food products, specifically, prepared bakers mixes which it had manufactured and prepared for shipment, or would manufacture and prepare for shipment.

CHOCOLATE PRODUCTS, CANDY, AND SIRUP**CHOCOLATE PRODUCTS**

17507. Action to enjoin and restrain the interstate shipment of adulterated chocolate coating and cocoa. U. S. v. Boldemann Chocolate Co., et al. Permanent injunction entered. (Inj. No. 162.)

COMPLAINT FILED: April 9, 1947, Northern District of California, against the Boldemann Chocolate Co., a partnership, San Francisco, Calif., and Oscar Boldemann, Sr., Oscar Boldemann, Jr., Gerald Boldemann, Mrs. George Martin, and Flora B. Boldemann, members of the partnership.

NATURE OF CHARGE: That the defendants for several years past had been and were at the time of filing the complaint, shipping and causing the shipment in interstate commerce, at San Francisco, Calif., of chocolate coating and cocoa which were adulterated within the meaning of Sections 402 (a) (3) and (4), in that the products consisted in part of filthy substances and had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that the insanitary conditions referred to resulted from the presence of insects, larvae, insect webbing and excreta, rodents, rodent excreta, and other filthy and unwholesome substances in and around the factory where the products were prepared, packed, and held, in and around the raw materials from which they were prepared, and in and

around the machinery and equipment of the plant; and that the defendants continued to ship in interstate commerce products prepared under these conditions, which products were contaminated with insect parts, rodent hair, and feather barbules.

The complaint alleged further, on information and belief, that unless restrained, the defendants would continue to introduce and deliver for introduction into interstate commerce, foods adulterated as above-described. The complaint prayed the issuance of a permanent injunction to restrain such acts, and that the defendants be cited to show cause why they should not be enjoined during the pendency of the proceedings.

DISPOSITION: On May 29, 1947, pursuant to a stipulation entered into between counsel for the Government and the defendants, the court entered a permanent injunction restraining and enjoining the defendants from directly or indirectly introducing, or causing the introduction, into interstate commerce of chocolate, chocolate coating, and cocoa, or similar foods, adulterated as charged in the complaint.

CANDY

17508. Action to enjoin and restrain the interstate shipment of adulterated candy. U. S. v. Mrs. Dora E. (Mrs. Louis S.) Horowitz, et al. Temporary injunction granted. (Inj. No. 139.)

COMPLAINT FILED: On or about May 17, 1946, Northern District of Georgia, against Mrs. Dora E. (Mrs. Louis S.) Horowitz and Eleanor T. Horowitz, partners, trading as the Beckham Candy Co., Atlanta, Ga., Louis S. Horowitz, plant manager, and Leonard Salenfriend, superintendent.

NATURE OF CHARGE: That beginning in 1942 and at all times subsequent to that date until the time of filing the complaint, the defendants had been and were introducing and delivering for introduction into interstate commerce, at Atlanta, Ga., candy which was adulterated in the following respects: Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments; and, Section 402 (a) (4), the product had been manufactured and prepared under insanitary conditions whereby it may have become contaminated with filth, in that the building in which the candy was manufactured was not rodentproof and was heavily infested with rodents; and in that rats and mice had free access to the raw materials from which the candy was manufactured, and infested the candy-making equipment during the night and had access to unpacked candy which was cooked and left unprotected.

The complaint alleged further that despite warnings, the defendants failed to remedy the defects in their method of operation in their plant and were continuously manufacturing, preparing, and packing candy which was adulterated.

The complaint alleged further, on information and belief, that the defendants would continue to ship, introduce, and deliver for introduction into interstate commerce such adulterated candy unless enjoined from so doing, and prayed that they be perpetually enjoined from commission of such acts and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: June 14, 1946. The case came on for hearing before the court, and a motion was filed by the defendants' counsel that the case be continued until after pending criminal proceedings were disposed of against one of the defendants. Continuance was granted upon stipulations between the Government and the defendant, that a temporary injunction be granted until after the criminal proceedings had been disposed of. The temporary injunc-

tion enjoined and restrained the defendants and all persons acting on their behalf from shipping in interstate commerce any adulterated candy manufactured, or to be manufactured, by the defendants at their Atlanta, Ga., plant.

17509. Alleged misbranding of candy. U. S. v. 116 Boxes, etc. Tried to the court. Judgment for claimant. Libel ordered dismissed without costs. Government's motion for new trial denied. (F. D. C. No. 23869. Sample Nos. 4141-K to 4144-K, incl.)

LIBEL FILED: October 27, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 28 and September 5, 1947, by the Up-To-Date Candy Mfg. Co., from New York, N. Y.

PRODUCT: 176 boxes, each containing 24 1½-ounce packages, of candy drops at Boston, Mass.

LABEL, IN PART: (Package) "Arden Assorted Candy Drops [or "Root Beer Drops," "Lemon Drops," or "Kandy Mints"]."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since 6 additional candy drops could be placed in each package.

DISPOSITION: The Up-To-Date Candy Mfg. Co., claimant, having filed an answer denying that the product was misbranded, the case came on for trial before the court on October 27, 1948. The trial was concluded on the same day, and the case was taken under advisement by the court. On November 12, 1948, the court handed down an opinion deciding the issues for the claimant, and on November 15, 1948, the court entered a decree dismissing the libel without costs and ordering that the seized articles be returned to the persons from whom they were seized. The court handed down the following opinion:

WYZANSKI, *District Judge*: "This is a libel brought under the Federal Food, Drug and Cosmetic Act of 1938, 52 Stat. 1040, 21 U. S. C. 301 et seq. for the condemnation of packages of confections manufactured and shipped in interstate commerce by Up-To-Date Candy Manufacturing Company. These packages contain either 'Arden Assorted Candy Drops' or 'Arden Root Beer Drops' or 'Arden Lemon Drops' or 'Arden Kandy Mints.'

"The libel charges misbranding within the meaning of [Section] 403 (d) of the Act, 21 U. S. C. 343 (d) which provides that 'A food shall be deemed to be misbranded . . . if its container is so made, formed or filled as to be misleading.'

"It is conceded that the packages were shipped by the company in interstate commerce. The only question is whether there was misbranding within the statutory definition.

"All the packages are substantially alike despite differences in the particular type of candy. All the types of candy are manufactured in a uniform size and style of lozenge. The company has changed the style over the years. In the packages seized, the style used is a slightly rounded rectangle which creates no peculiar packaging problem.

"Each box measures in inches: 3¾ x 2½ x 1¼. A box is intended to sell at retail at five cents. Each bears a legend stating the name of the drop and showing the weight of the box as 1½ ounces. And in fact all the boxes contained candy which weighed at least 1½ ounces. There is no statement as to the number of pieces of candy. Most of the boxes contain 17 pieces. Some, however, contain 18 or 19. When 17 pieces are in the box and a reasonable time has elapsed since manufacture, the candy settles so that there is an average air space in the box of 33%.

"Each box in evidence was packaged by a standard packaging machine, manufactured by a third party, of the type used by a majority of leading concerns packaging candy or cough drops intended to retail at five or ten cents. Such a packaging machine is made with only slight variations necessary for

each concern. The machine works in conjunction with a conveyor belt. The belt carries a flat piece of cardboard to the machine, which folds it into a box with an opening left at one end. The machine then inserts wax paper, turns the folded box into an upright position and passes it under a rotary disk. Above this disk pieces of candy are placed. The disk has twenty apertures which may be plugged up to regulate the number of pieces which will drop into each box. Back of the place where the box stands under the disk is an agitator which jars the box during the time candy pieces are falling through the disk. This aids the candy to settle in the box so that more pieces can fall into the box. After being under the disk, the box moves to a finger-like contraption which folds over the wax paper and closes the box.

"The process of manufacture is supervised by an operator who watches for spillage as the candy falls to the floor from the disk or the box. The operator discards boxes which are overpacked. He does not add drops by hand. If he were to do so, he could often make the box contain at least 20 drops of the present style. Without such additions by hand, it is admittedly practical to set the disk for at least 17 such drops. If the disk is set at 18 such drops, the machine occasionally jams. Moreover, at 18 drops the number of boxes which are overpacked and must be discarded is between 5% and 10% of the total number of boxes filled.

"There was no evidence as to how many pieces of candy any consumer would expect to receive from a box of the type here involved.

"Upon the basis of the foregoing facts and for the following reasons I conclude as a matter of law that the shipment did not violate 403 (d) of the Act and that the libel should be dismissed without costs and the boxes delivered to the shipper.

"The Act (which incidentally has not been interpreted by an official regulation or administrative pronouncement) prohibits the shipment of a package of candy which is in fact so slack-filled as to be misleading, even if the package correctly states the weight of the contents, *United States v. Cataldo*, 157 F. (2d) 802 (C. C. A. 1). The question whether the package is misleading is a question of fact. And the standard is not whether experts or men of peculiar training, experience, shrewdness or sophistication would be misled. Cf. *Federal Trade Commission v. Standard Education Society*, 302 U. S. 112, 116. The standard is whether the container would be likely to mislead the ordinary purchaser of this type of merchandise, not one who was particularly attentive or prudent.

"But I do not go so far as to accept the argument, advanced by the Government, that the question is whether the package is so filled as to mislead an average five-year-old child who might expect the box to be filled to overflowing. Infantile anticipation is not the test. Rather it is what would be expected by an ordinary person—not necessarily an adult—who has been led to expect and desire machine-packing. Such a customer knows machine-packing is more sanitary than hand-packing. He knows it results in economies of mass production and that these economies are in some measure likely to be passed on to the ultimate consumer. Moreover, from buying various types of five-cent candies, cough drops and lozenges packed by machine in standard rectangular containers, he has come to expect some slack or air space. Indeed, he recognizes that tight packing would often solidify into a mass pieces which he prefers to have separate. It is the expectation of a person who has that common degree of familiarity with our industrial civilization which furnish the standard which Congress intended to be applied. Congress had no intention to require abandonment of reasonably efficient methods of mass packaging by machine. See Senate Committee on Commerce, 73rd Cong., Report No. 493, p. 9; and Senate Committee on Commerce, 74th Cong. 1st Sess., Report No. 361, p. 9.

"In the case at bar no evidence was introduced as to what an ordinary non-infantile purchaser would expect. But in my view he would not expect any particular number of lozenges. So long as he received ordinary lozenges not obviously so eccentric in shape as to result in peculiar packing difficulties, and so long as he received approximately as many of these lozenges as could conveniently be packed in a standard rectangular carton by machine, he would not in my opinion be misled."

On November 23, 1948, the Government filed a motion for a new trial, and on November 24, 1948, this motion was denied by the court.

SIRUP

17510. Adulteration and misbranding of cane sirup. U. S. v. 300 Cases * * *.
(F. D. C. No. 18217. Sample No. 12206-H.)

LIBEL FILED: October 31, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about June 28, 1945, by Philip Porter, Inc., from Lowell, Mass.

PRODUCT: 300 cases, each containing 6 jars, of cane sirup at Newport, R. I.

LABEL, IN PART: (Jar) "‘Open Kettle’ Brand Sugar Cane Syrup * * *
Packed For J. S. Brown & Son New Liberia, La."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), molasses had been substituted in whole or in part for sugar cane sirup, which the product was represented to be.

Misbranding, Section 403 (a), the label statement "Sugar Cane Syrup" was false and misleading as applied to an article containing molasses.

DISPOSITION: On November 23, 1945, Philip Porter, Inc., Nashua, N. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER*

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 17511 to 17513, and that was below the legal standard for milk fat content, Nos. 17513 to 17520.

17511. Adulteration of butter. U. S. v. 39 Cases * * *. (F. D. C. No. 31362. Sample No. 50415-H.)

LIBEL FILED: May 26, 1947, Western District of Louisiana.

ALLEGED SHIPMENT: On or about April 19, 1947, by Wilson & Co., Inc., from Abilene, Tex.

PRODUCT: 39 32-pound cases of butter at Shreveport, La.

LABEL, IN PART: (Carton) "Clear Brook Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: July 11, 1947. Wilson & Co., Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of processing it into butter oil, under the supervision of the Food and Drug Administration.

17512. Adulteration of butter. U. S. v. 72 Pounds * * *. (F. D. C. No. 31370. Sample No. 19002-K.)

LIBEL FILED: On or about September 18, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about September 6, 1947, by the Beatrice Foods Co., from Cincinnati, Ohio.

PRODUCT: 72 pounds of butter at Maysville, Ky.

*See also No. 17521.

LABEL, IN PART: (Retail carton) "Meadow Gold Butter Distributed by Beatrice Foods Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance since it was made from decomposed cream.

DISPOSITION: October 8, 1947. Default decree of condemnation. The court ordered that the product be disposed of by sale for technical uses and not for human food.

17513. Adulteration of butter. U. S. v. 40 Cases * * *. (F. D. C. No. 31363. Sample No. 53916-H.)

LIBEL FILED: December 27, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 8, 1946, by Meadowlands Creameries, Inc., from Chicago, Ill.

PRODUCT: 40 32-pound cases of butter at Cleveland, Ohio.

LABEL, IN PART: (Case) "Club Specials Butter Distributed by Meadowlands Creameries, Inc., Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter; and, Section 402 (a) (3), it consisted in part of a decomposed substance and was unfit for food.

DISPOSITION: On or about February 7, 1947, Henry Bruder, Cleveland, Ohio, claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into butter oil, under the supervision of the Food and Drug Administration.

17514. Adulteration of butter. U. S. v. 44 Cartons (2,816 pounds) * * *. (F. D. C. No. 31364. Sample No. 73377-H.)

LIBEL FILED: February 3, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 23, 1947, by the Kingston Coop. Dairy Assn., from Dassel, Minn.

PRODUCT: 44 64-pound cartons of butter at Cambridge, Mass.

LABEL, IN PART: (Carton) "64 Lbs. Net Bulk Butter * * * First National Stores Somerville, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 14, 1947. The Pipestone Produce Co., Somerville, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

17515. Adulteration of butter. U. S. v. 42 Cartons (2,688 pounds) * * *. (F. D. C. No. 31371. Sample No. 24045-K.)

LIBEL FILED: December 29, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about November 29, 1947, by the Tripp Coop. Creamery Co., from Tripp, S. Dak.

PRODUCT: 42 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Zenith-Godley Co., N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 12, 1948. The Tripp Coop. Creamery Co., claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

17516. Adulteration of butter. U. S. v. 22 Cartons (1,320 pounds) * * *.
(F. D. C. No. 31366. Sample No. 77566-H.)

LIBEL FILED: May 16, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about May 5, 1947, by the Farmers Coop. Creamery Assn., from Clarkfield, Minn.

PRODUCT: 22 60-pound cartons of butter at Jersey City, N. J.

LABEL, IN PART: (Carton) "The Great A. & P. Tea Co. New York Distributors Butter Net Wt. 60."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 23, 1947. The Farmers Coop. Creamery Assn., claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

17517. Adulteration of butter. U. S. v. 19 Cartons (1,216 pounds) * * *.
(F. D. C. No. 31361. Sample No. 39254-H.)

LIBEL FILED: June 3, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 15, 1947, by the Stella Cheese Co., from Clayton, Wis.

PRODUCT: 19 64-pound cartons of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 8, 1947. The Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be rechurned, so that it would comply with the law, under the supervision of the Food and Drug Administration.

17518. Adulteration of butter. U. S. v. 13 Cartons (819 pounds) * * *.
(F. D. C. No. 31367. Sample No. 86861-H.)

LIBEL FILED: May 27, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 3, 1947, by the Lake Henry Coop. Creamery, from Lake Henry, Minn.

PRODUCT: 13 63-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: (Carton) "Creamery Butter Distributed by Meadowlands Creameries, Inc., Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 17, 1947. Meadowlands Creameries, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

17519. Adulteration of butter. U. S. v. 11 Cartons (704 pounds) * * *.
(F. D. C. No. 31365. Sample No. 73393-H.)

LIBEL FILED: January 25, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about January 15, 1947, by the Farmers Union Creamery Assn., from Minot, N. Dak.

PRODUCT: 11 64-pound cartons of butter at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 7, 1947. Farmers Union Creamery Assn., Minot, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

17520. Adulteration of butter. U. S. v. 15 Cubes (1,020 pounds) * * *.
(F. D. C. No. 31372. Sample Nos. 28301-K, 28303-K.)

LIBEL FILED: September 18, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about August 28, 1947, by Buster Produce, from Franklin, Nebr.

PRODUCT: 15 68-pound cubes of butter at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 10, 1947. The Beatrice Foods Co., a Delaware corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

CHEESE

17521. Action to enjoin and restrain the interstate shipment of adulterated cheese, butter, and other dairy products. U. S. v. Bear Lake Valley Dairymen's Coop. Assn. Permanent injunction granted. (Inj. No. 150.)

COMPLAINT FILED: September 13, 1946, District of Idaho, against the Bear Lake Valley Dairymen's Coop. Assn., Paris, Idaho.

NATURE OF CHARGE: The complaint alleged that the defendant was receiving and accepting large amounts of milk that were unfit for human consumption; that inspections showed that 35% of the milk received on August 5, 1941, was unfit; that 76% of the milk received on August 19, 1941, was unfit; and that 18% of the milk received on July 18, 1943, was unfit; and, also, that the unfit milk was used to produce Swiss cheese and butter.

The complaint alleged further that the inspection of July 18, 1943, showed that butter and Swiss cheese were being prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth; that the exterior and interior of the plant was dirty; that outside whey tanks had overflowed and hundreds of flies were on the tank, its supports, and the surrounding ground; that whey from a dirty inside tank was separated and the cream therefrom was used in the manufacture of butter; that the can

washer was inadequate and washed cans had an accumulation of dirt and grease on the shoulders; that filled milk cans entering the plant were dirty with mud and manure and were not washed before dumping; that evidence of heavy mouse infestation was noted; that cockroaches, spiders, and other insects were observed, and a large number of flies were noted throughout the plant; that inspections of September 1943 and June and July 1946 showed the continuance of insanitary conditions; and that tests of milk on July 15, 16, 17, 18, and 19, 1946, showed that 20%, 12%, 33%, 19%, and 20%, respectively, of the milk tested was unfit for human consumption, but that all of the milk was used in the production of dairy products and food.

The complaint alleged further that during the time of the inspections, the defendant made regular shipments of Swiss cheese in interstate commerce; and that the defendant was continuing and threatening to continue to produce food under the conditions noted and to introduce such food into interstate commerce. The complaint prayed that a temporary restraining order issue, restraining the defendant from such practices, and that after due hearing, the permanent injunction issue.

DISPOSITION: On September 13, 1946, a temporary restraining order was entered, enjoining the defendant and all its agents, officers, and employees, during a period of ten days, from introducing into interstate commerce any food and food products, and, in particular, Swiss cheese, butter, and other dairy products, intended for human consumption, produced or in existence at the time in the defendant's plant at Paris, Idaho, which were adulterated because they consisted in whole or in part of filthy substances, or because they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth. On September 19, 1946, a permanent injunction was entered containing similar provisions.

17522. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Nelson Creamery Corp., Charles Braveman, and Wilson & Co. Consent decree for injunction. (Inj. No. 120.)

COMPLAINT FILED: On or about December 6, 1945, Northern District of New York, against the Nelson Creamery Corp., Cazenovia, N. Y., Charles Braveman, president, director, and sole owner of the capital stock of the corporation, and residing at Utica, N. Y., and Wilson & Co., a Delaware corporation, with its principal place of business at Chicago, Ill., and trading and doing business at Syracuse and Utica, N. Y.

NATURE OF CHARGE: That the defendants had been since on or about the month of December 1944, acting through their officers, agents, servants, and employees, introducing into interstate commerce, and causing the introduction and delivery for introduction into interstate commerce, of food and food products, particularly cheese and cheese products, which were adulterated within the meaning of Sections 402 (a) (3) and (4), in that they consisted in whole or in part of filthy substances and had been manufactured from milk unfit for food, and in that they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that irreparable injury may result to the public unless the defendants are restrained and enjoined, and prayed the entry of a preliminary and final injunction restraining the defendants and all persons acting in concert with them from the commission of the acts complained of.

DISPOSITION: On January 18, 1946, the defendants having consented thereto, a decree was entered enjoining the defendants, their agents, servants, employees, and all persons in active concert with them from introducing or delivering for introduction into interstate commerce adulterated cheese, cheese products, and any other products manufactured, produced, or prepared at the premises of the Nelson Creamery Corp.

It was ordered further that the Nelson Creamery Corp. take the necessary steps to remedy the insanitary conditions in its plant and make certain specified repairs; thoroughly clean the plant and equipment; test milk as frequently as necessary and reject all dirty milk; make the plant as nearly rodent proof as possible; clean up the pond or marsh in the vicinity of the sewer plant and render it ineffective as a breeding place for flies; store no decomposed or maggoty cheese on the premises; inspect all cheese from outside sources when received; and discard immediately any decomposed cheese.

17523. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Arthur A. Mohr (Volney Cheese Factory). Injunction granted. (Inj. No. 133.)

COMPLAINT FILED: January 4, 1946, Northern District of Iowa, against Arthur A. Mohr, trading as the Volney Cheese Factory, Volney, Iowa.

NATURE OF CHARGE: That the defendant, from on or about June 22, 1944, to the time of filing the complaint, had been shipping in interstate commerce from Volney, Iowa, cheese and cheese products which were adulterated within the meaning of Section 402 (a) (3), in that the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), in that the products had been prepared, packed, and held under insanitary conditions.

The complaint alleged further that the defendant had been warned to remedy the existing defects and his method of preparing and processing milk, cheese, and cheese products; and, in addition, that he had been warned not to ship these products so adulterated in interstate commerce, but that the warnings had been ignored and that the defendant would continue to ship adulterated cheese and cheese products unless enjoined from so doing.

The complaint prayed that a preliminary injunction be granted pending the hearing for a permanent injunction and that, upon hearing, the preliminary injunction be made permanent.

DISPOSITION: On February 8, 1946, the action having come on for hearing, the defendant was adjudged in default for failure to file any pleading whatsoever. Thereupon the court issued an order which enjoined and restrained the defendant for a period of 6 months from shipping, causing to be shipped, or introducing for shipment, in interstate commerce, cheese or any other milk products made, processed, or manufactured by the defendant at his cheese factory and plant at Volney, Iowa.

17524. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U.S. v. Clarence P. Manders (Dubuque Cheese Factory). Decree entered enjoining and restraining defendant from shipping cheese or other milk products in interstate commerce for a period of 90 days, at expiration of which time action dismissed. (Inj. No. 134.)

COMPLAINT FILED: January 10, 1946, against Clarence P. Manders, trading as the Dubuque Cheese Factory, Dubuque, Iowa.

NATURE OF CHARGE: That the defendant, from on or about June 20, 1945, to the time of filing the complaint, had been receiving, preparing and processing

milk, and preparing and processing cheese and cheese products from such milk under grossly insanitary conditions at the defendant's plant at Dubuque, Iowa; that the milk, cheese, and cheese products prepared, processed, and manufactured by the defendant consisted in whole or in part of filthy substances, and were adulterated within the meaning of Sections 402 (a) (3) and (4) of the Federal Food, Drug, and Cosmetic Act; that the adulterated products were being offered for interstate shipment at various intervals; and that various investigations had been made of the defendant's plant since on or about June 20, 1945, during which the defendant had been warned to remedy the defects in his method of operation and not to ship products so adulterated in interstate commerce, but he had failed to heed such warnings.

The complaint alleged further that the defendant would continue to ship such products in interstate commerce unless enjoined from so doing and prayed that a preliminary injunction and restraining order issue, and that after due proceedings, such order be made permanent.

DISPOSITION: On February 8, 1946, the matter came on for hearing, and a decree was entered by consent of all parties enjoining and restraining the defendant from shipping or introducing for shipment into interstate commerce any cheese or other milk products manufactured or processed by him at his plant at Dubuque, for a period of 90 days from the date of the decree, with the exception that the defendant might ship to Platteville, Wis., for storage only, cheese or other milk products so manufactured and processed by him. The cheese so shipped to Platteville, Wis., for storage, was to be reshipped to the State of Iowa only. On May 14, 1946, the court having found that the defendant had complied with the injunction decree and was at the time operating in full compliance with the law, entered an order dismissing the action.

17525. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Ehrat Cheese Co., Inc., Louis Caravetta, Charles J. Caravetta, Amerigo Caravetta, and John J. Caravetta. Decree for injunction granted. (Inj. No. 111.)

COMPLAINT FILED: On or about September 11, 1945, Northern District of Illinois, against the Ehrat Cheese Co., Inc., Chicago, Ill., and Louis Caravetta, president, Charles J. Caravetta, also known as Pasquale Caravetta, vice president, Amerigo Caravetta, secretary, and John J. Caravetta, treasurer.

NATURE OF CHARGE: That the defendants had been for several years past, and were at the time of filing the complaint, introducing and delivering for introduction into interstate commerce adulterated cheese; that the defendant corporation owned and operated the Bravo Cheese Factory at Pullman, Mich., where it received and processed raw milk into Italian types of cheese and at times into American Cheddar cheese; that the cheese was shipped from Pullman, Mich., to Chicago, Ill., where it was reshipped in interstate commerce; that the cheese so manufactured and shipped was adulterated under Section 402 (a) (3), in that it consisted in whole or in part of a filthy, putrid, or decomposed substance containing insect fragments, whole insects, hairs resembling those of rodents, cows, and cats, rodent excreta, mites, larvae, materials resembling animal feed and manure, metallic fragments, and nondescript dirt. The cheese was adulterated further under Section 402 (a) (4), in that it had been prepared, packed, and held under insanitary conditions whereby it had been and was being contaminated with filth, i. e., the defendants' plant at Pullman, Mich., was infested with rodents and insects; the tanks, hose pipes, vats, milk cans, and other equipment used in

the manufacture or processing of the cheese were dirty, insanitary, and filthy; and the milk from which the cheese was manufactured contained a high concentration of filth.

The complaint alleged further that the defendants, particularly Charles J. Caravetta, repeatedly had been advised that the conditions under which they were operating were insanitary; that cheese manufactured by them was grossly contaminated with filth and should not be introduced into interstate commerce, but that, notwithstanding, cheese manufactured by them had been seized and condemned under libels charging violation of Sections 402 (a) (3) and (4); and that on April 16, 1945, the defendant corporation pleaded guilty to an information charging the interstate shipment of adulterated cheese and was fined \$1,000. The complaint prayed that the court grant a preliminary injunction, and that after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: On September 21, 1945, the defendants having consented to the entry of a decree, the court entered an order enjoining and restraining the defendants and all persons acting upon their behalf from introducing into interstate commerce, either directly or indirectly, cheese adulterated as alleged in the complaint.

17526. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Albert M. Feiner (Ethan Dairy Products). Preliminary injunction granted. (Inj. No. 94.)

COMPLAINT FILED: April 30, 1945, District of South Dakota, against Albert M. Feiner, doing business as Ethan Dairy Products, Ethan, S. Dak.

NATURE OF CHARGE: That the defendant manufactured cheese at the rate of approximately 800 pounds per day, of which approximately 100 percent was introduced or delivered for introduction into interstate commerce by the defendant; and that during the period from June 11, 1942, and continuing to the time of filing the complaint, the cheese so manufactured and introduced, or delivered for introduction, into interstate commerce by the defendant was adulterated in the following respects: Section 402 (a) (3), it consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further as a basis for the charge that the product was adulterated under Section 402 (a) (3), that inspections of the milk being used in the manufacture of the cheese showed that it contained weevils, houseflies, fruit flies, moths, a spider, other insects, cow hairs, straw, chaff, soot, dust, mud, sand, rust, wood, paint, manure, vegetable and plant matter, and nondescript dirt; and that examinations of the cheese which was shipped by the defendant in interstate commerce revealed that the product was contaminated by the presence of insect fragments, rodent hair fragments, cat hair fragments, cow hair fragments, unidentified hairs, feather barbules, straw fragments, plant fragments, sand, soot, rust, metal fragments, and miscellaneous dirt.

The complaint alleged further as a basis for the charge that the product was adulterated under Section 402 (a) (4), that inspections of the plant disclosed that it was infested with mice, flies, and a cat, all of which had been observed in the machinery and equipment used in the manufacture of the product.

The complaint alleged further that although the defendant had been informed of the conditions found during the inspections and warned to remedy such conditions, no material improvement had been effected. The complaint prayed that the defendant be permanently restrained from commission of the acts complained of, and that pending the entry of a final judgment, a preliminary injunction be issued restraining such acts.

DISPOSITION: May 17, 1945. The defendant having consented to the entry of a preliminary injunction, the court issued an order restraining the defendant from shipping in interstate commerce any cheese which was adulterated as alleged in the complaint, pending the entry of a final judgment or until further order of the court. No further proceedings have been reported.

17527. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Alfred Gunzenbeck and Albert Nef (Valley Queen Cheese Factory). Preliminary injunction granted; subsequently dissolved. (Inj. No. 83.)

COMPLAINT FILED: February 27, 1945, District of South Dakota, against Alfred Gunzenbeck and Albert Nef, trading as Valley Queen Cheese Factory, Milbank, S. Dak.

NATURE OF CHARGE: That the defendants had been and were introducing and delivering for introduction into interstate commerce, at Milbank, S. Dak., cheese which was adulterated under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), in that it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further as a basis for the charge under Section 402 (a) (3), that examinations of various lots of the milk used by the defendants in the manufacture of cheese had showed the presence of various types of filth, such as houseflies, rodent hairs, moths, beetles, spiders, larvae, weevils, miscellaneous insect fragments, cow hairs, feather barbules, and various miscellaneous extraneous matter; and that examinations of cheese shipped in interstate commerce by the defendants showed that it was contaminated by insect fragments, straw fragments, larvae, mites, unidentified hairs, feather barbules, manure fragments, and miscellaneous dirt.

The complaint alleged further as a basis for the charge under Section 402 (a) (4), that inspections of the plant showed that it was infested with mice, roaches, and flies.

The complaint alleged further that although the defendants had been repeatedly advised by representatives of the Food and Drug Administration of the conditions disclosed by the inspections and had been requested and warned to bring about correction thereof, they had ignored such warnings. The complaint prayed that the defendants be permanently restrained from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: On March 14, 1945, the petition for a preliminary injunction was heard before the court, and a decree was entered temporarily enjoining the defendants from introducing, or delivering for introduction, into interstate commerce any cheese which was adulterated as alleged in the complaint. On November 15, 1949, on motion of the defendants, the preliminary injunction was ordered dissolved and the action dismissed.

17528. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Costastine Economou (C. Economou). Decree for permanent injunction. (Inj. No. 123.)

COMPLAINT FILED: On or about November 29, 1945, District of Vermont, against Costastine Economou, trading as C. Economou, Hinesburg, Vt.

NATURE OF CHARGE: That the defendant from on or about July 12, 1945, to the time of filing the complaint had been preparing and packing cheese which was adulterated under Sections 402 (a) (3) and (4), in that it consisted in whole or in part of a filthy substance and was unfit for food, and had been prepared under insanitary conditions; and the cheese so prepared and packed was being shipped in interstate commerce by the defendant.

The complaint alleged further that a sanitary inspection made of the defendant's place of business on July 12, 1945, showed that the plant was very filthy; that flies were breeding in manure in a barnyard nearby and were gaining access to the plant and alighting upon equipment, raw materials, intermediate products, and finished cheese; that some of the cheese had maggots on it and other cheese had flies and parts of flies embedded in it; that rodent excreta pellets were found on a cheese drying table, and hundreds of large rodent pellets were observed on drain racks in the refrigerator room where finished cheese was stored; that rodent-gnawed cheese was observed by the inspector, and other signs of rodent activity were observed; and that examination of the milk being purchased by the defendant showed that a large amount was very dirty and unfit for human consumption and was being used by the defendant without clarification.

The complaint alleged further that the plant was reinspected on August 8, 1945, during which inspection, conditions similar to those existing at the time of the earlier inspection were observed; that an inspection of October 26, 1945, showed continuing rodent infestation and use of unfit milk; that a seizure had been made of a shipment of the firm's cheese at New York, N. Y., because of the presence of larvae and insect fragments; and that defendant had been warned of the conditions found in his plant during inspections and had been advised to correct them but had failed to do so.

The complaint alleged further, on information and belief, that the defendant would continue to ship adulterated food in interstate commerce unless restrained from so doing. The complaint prayed the issuance of a preliminary injunction, and that after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: On November 21, 1945, pursuant to a stipulation between counsel for the Government and the defendant, a preliminary injunction was entered by the court. On February 27, 1946, after a hearing before the court, a permanent injunction was entered, restraining the defendant and all other persons acting on his behalf from directly or indirectly shipping or delivering for shipment into interstate commerce, cheese or cheese products which are adulterated in that they are filthy or decomposed or otherwise unfit for food, or which had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth, or had been manufactured from milk which was dirty and unfit for human consumption.

17529. Alleged adulteration of cheese. U. S. v. Laurel L. Stonebraker (L. L. Stonebraker). Plea of not guilty. Tried before the court and jury. Verdict of not guilty. (F. D. C. No. 12529. Sample No. 14377-F.)

INFORMATION FILED: July 18, 1944, District of Colorado, against Laurel L. Stonebraker, trading under the name of L. L. Stonebraker, Trinidad, Colo.

ALLEGED SHIPMENT: Within the period from on or about March 17, 1943, to on or about April 3, 1943, from the State of Colorado into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3). the product consisted in whole or in part of a filthy substance by reason of the presence of dead and live larvae of the cheese skipper, larvae of the hide and tallow beetle, mites and pupae, rodent hairs, and rodent-gnawed cheese; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury on October 30, 1944, and on October 31, 1944, the jury returned a verdict of not guilty.

CREAM AND MILK

17530. Adulteration of cream. U. S. v. 3 10-gallon Cans * * *. (F. D. C. No. 31373. Sample No. 28408-K.)

LIBEL FILED: September 17, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 7, 1947, by Leon's Produce, from Colby, Kans.

PRODUCT: 3 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and decomposed animal material.

DISPOSITION: September 17, 1947. The consignee having consented to the entry of a decree, the court ordered that the product be destroyed.

17531. Adulteration of cream. U. S. v. 2 10-Gallon Cans * * *. (F. D. C. No. 31357. Sample No. 28409-K.)

LIBEL FILED: September 17, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 7, 1947, by B. F. Smiley, from Broadwater, Nebr.

PRODUCT: 2 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and animal material.

DISPOSITION: September 17, 1947. The consignee having consented to the entry of a decree, the court ordered that the product be destroyed.

17532. Adulteration of cream. U. S. v. 2 10-Gallon Cans * * *. (F. D. C. No. 31356. Sample Nos. 28604-K, 28605-K.)

LIBEL FILED: September 17, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 5, 1947, by Oekle Produce, from Hoxie, Kans.

PRODUCT: 2 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of ants, rodent hairs, and other types of filth.

DISPOSITION: September 17, 1947. The consignee having consented to the entry of a decree, the court ordered that the product be destroyed.

17533. Adulteration of cream. U. S. v. 1 10-Gallon Can * * *. (F. D. C. No. 31368. Sample No. 88963-H.)

LIBEL FILED: September 12, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 6, 1947, by the Seymore Packing Co., from Oakley, Kans.

PRODUCT: 1 10-gallon can of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair and nondescript dirt.

DISPOSITION: September 12, 1947. The consignee having consented to the entry of a decree, the court ordered that the product be destroyed.

17534. Adulteration of cream. U. S. v. 1 10-Gallon Can * * *. (F. D. C. No. 31369. Sample No. 88964-H.)

LIBEL FILED: September 12, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 6, 1947, by the Coop. Union Merc. Co., from Black Wolf, Kans.

PRODUCT: 1 10-gallon can of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, rodent hair, and nondescript dirt.

DISPOSITION: September 12, 1947. The consignee having consented to the entry of a decree, the court ordered that the product be destroyed.

17535. Action to enjoin and restrain the interstate shipment of adulterated cream and skimmed milk. U. S. v. Francis G. Schuette (St. Rose Dairy Products). Preliminary injunction granted. Contempt proceedings instituted charging violation of preliminary injunction. Plea of nolo contendere to charge of contempt. Fine, \$1,000. (Inj. No. 124.)

COMPLAINT FILED: January 18, 1946, Eastern District of Illinois, against Francis G. Schuette, trading as St. Rose Dairy Products, at St. Rose, Ill., and Okawville, Ill.

NATURE OF CHARGE: That the defendant was engaged in the business of purchasing and receiving milk in large volume from farmers, of processing the milk as cream, and of selling the cream and skimmed milk in wholesale quantities; that a large part of the defendant's output was shipped in interstate commerce from both of his places of business; that the defendant had been operating in such a manner that the cream and skimmed milk were exposed to contamination; that the milk purchased by the defendant was low grade and dirty and was contaminated with filth, and insufficient precautions were taken to remove the dirt; that dirty water was used in washing utensils and machinery; that insufficient precautions were taken to prevent flies and insects from getting into the cream and skimmed milk; and that the conditions under which the cream and milk were produced were so insanitary that the products were unfit for human consumption and dangerous to health.

The complaint alleged further that the cream and milk were adulterated under Sections 402 (a) (3) and (4); that the premises at St. Rose were inspected by Food and Drug inspectors in May 1944, during which insanitary conditions were found; that reinspections of the premises at St. Rose on three occasions in 1945, disclosed that the insanitary conditions still existed; that an inspection in 1945 of the Okawville, Ill., plant showed that similar filthy conditions existed there; that at various times, samples from interstate ship-

ments to St. Louis, Mo., had been examined and found to contain filth; and that the defendants had been advised of the results of the inspections and the analyses, but had made no attempt to correct insanitary conditions.

The complaint alleged further that unless the defendant was restrained, he would continue to ship adulterated and unfit cream and skimmed milk in interstate commerce, and prayed that a preliminary injunction issue, and that upon final hearing, the preliminary injunction be made permanent.

DISPOSITION: On January 23, 1946, the court issued a preliminary injunction restraining the defendant from directly or indirectly, by himself or his agents and employees, shipping in interstate commerce from either of his two plants, any milk, cream, or products thereof which were adulterated within the meaning of Sections 402 (a) (3) and (4).

On or about July 1, 1947, the United States attorney filed a petition that the defendant be cited for contempt of court, alleging that recent inspections of the St. Rose and Okawville, Ill., plants had disclosed the continued receipt and acceptance of milk which was unfit for human consumption by reason of its contamination with filth; that the defendant also was operating a plant at Marissa, Ill.; that milk which was unfit for use was shipped by the defendant from the St. Rose plant to the Marissa plant, where it was made into cheese which was shipped in interstate commerce; that the defendant also was shipping milk which was unfit for human consumption from the St. Rose plant to the Okawville plant, where it was made into cheese which was shipped in interstate commerce; and that a portion of the cheese made from unfit milk also was being sold in the State of Illinois under a guaranty that it complied with the Federal laws, although it contained filthy matter and was unfit for human consumption.

The petition prayed (1) that the preliminary injunction be enlarged to include the Marissa plant; (2) that a further temporary injunction issue enjoining and restraining the defendant from shipping milk, cheese, or products thereof in interstate commerce, and from selling such products in Illinois under a guaranty that they complied with Federal laws, which temporary injunction was to apply to the three plants of the defendant; and (3) that the defendant show cause why he should not be punished for contempt of court. The defendant filed an answer alleging (1) that the petition failed to state facts upon which he could be found in contempt of court; (2) that the Government was not entitled to the relief sought in the second prayer; and (3) denying the material allegations of the petition.

On July 8, 1947, the defendant having withdrawn his request for a jury trial and having entered a plea of nolo contendere to the petition, the court overruled the defendant's first defense and granted the Government's petition that the temporary injunction be enlarged to include the Marissa, Ill., plant. The court, however, sustained the defendant's second defense and denied the relief sought in the second prayer of the Government's petition. The defendant was fined \$1,000 upon a plea of nolo contendere.

EGGS

17536. Action to enjoin and restrain the interstate shipment of adulterated dried eggs. U. S. v. Howard Green, et al. (Monark Food Products Co.). Permanent injunction granted. (Inj. No. 58.)

COMPLAINT FILED: June 16, 1943, District of Kansas, against Howard Green, Selma Green, I. Irving Feld, Josephine Selma Feld, Ira Rosenblum, Blanche Rosenblum, Marjorie Ruth Rosenblum, Harry A. Rosenblum, Elaine M. Strauss,

Nell Blondell Peiser, Ernest Peiser, and Suzanne M. Feld, trading as the Monark Food Products Co., a partnership, Hutchinson, Kans.

NATURE OF COMPLAINT: The complaint alleged in substance that prior to January 2, 1943, the defendants had entered into a contract to sell and deliver to the Federal Surplus Commodities Corp. a large quantity of dried whole eggs, and in compliance had tendered delivery of the product; that of the eggs so tendered for delivery, 29¾ barrels were determined to consist in whole or in part of a filthy, putrid, and decomposed substance, and to have been unfit for food, and therefore were adulterated and were rejected by the Federal Surplus Commodities Corp.; and that thereafter the defendants shipped 28 barrels of the rejected eggs in interstate commerce to various consignees.

The complaint alleged further that on or about February 13, 1943, the defendants entered into a similar contract and tendered delivery of the eggs called for under the contract; and that approximately 69 90-pound boxes of dried eggs were rejected for the same reason as those rejected in the earlier delivery. The complaint prayed that the defendants be enjoined from introducing and delivering for introduction into interstate commerce dried whole eggs which were adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act, and more particularly the 69 boxes referred to above.

DISPOSITION: On June 16, 1943, the court issued a temporary restraining order, and on July 6, 1943, granted a temporary injunction after hearing. Subsequent thereto the court made the following findings of fact and conclusions of law:

FINDINGS OF FACT

"1. Defendants are engaged in manufacturing and processing dried eggs for shipment in interstate commerce.

"2. They have two plants, located at Hutchinson, Kansas. The first plant was started June, 1942.

"3. They processed, and, under contract, sold to the Federal Surplus Commodity Corporation a considerable quantity of dried eggs made in this plant. This contract was made prior to January 2, 1943. Twenty-nine and three-fourths barrels of eggs processed and offered under this contract were rejected due to low palatability.

"4. These eggs were subsequently shipped in interstate commerce to Kansas City, Missouri, Chicago, Illinois, and New York City, New York.

"5. Subsequent to the above transaction, defendants opened a second plant in the city of Hutchinson, Kansas, where they processed dried eggs. On or about February 13, 1943, they entered into a contract with the Surplus Commodity Corporation to deliver approximately 60,000 pounds of dried eggs on April 10, 1943. Defendants tendered the 60,000 pounds of dried eggs on April 10, 1943. Defendants tendered the 60,000 pounds of dried eggs under this contract. Of this amount, 69 boxes, each containing ninety pounds, were found to be sour, and were rejected.

"6. This could mean only that these boxes contained decomposed matter which caused fermentation and produced the sour condition which caused their rejection.

"7. The 69 boxes rejected under the second contract were produced shortly after the second plant was established, and it is contended by the defendants, and with some degree of probability, that the defect in these boxes could have been brought about because of defects in the equipment.

"8. It is not claimed, nor do I find, that defendants were motivated by any fraudulent purpose in seeking to introduce in commerce dried eggs unfit for human consumption.

CONCLUSIONS OF LAW

"It is my conclusion that the government is entitled to an injunction enjoining the defendants from introducing the sixty-nine boxes of dried eggs above referred to, which have been found to be sour and which are therefore unfit for human consumption, and that the government is entitled to an injunction enjoining the defendants from introducing sour dried eggs into commerce."

On October 25, 1943, the case having come for final disposition and the parties having stipulated that the facts incorporated by the court in findings of fact Nos. 1 to 5, inclusive, and Nos. 7 and 8 were the facts in the case, the court ordered that the defendants be enjoined from introducing into interstate commerce the 69 boxes of dried eggs which had been found to be sour, and that the defendants be further enjoined from introducing into interstate commerce any sour dried eggs.

FISH AND SHELLFISH

17537. Action to enjoin and restrain the interstate shipment of adulterated fish and fish products and vegetables. U. S. v. J. Lowery Harrison and Else S. Harrison (Kent Packing Co.). Decree for temporary injunction entered by consent. (Inj. No. 144.)

COMPLAINT FILED: July 1, 1946, District of Maryland, against J. Lowery Harrison and Else S. Harrison, copartners, trading as the Kent Packing Co., Rock Hall, Md.

NATURE OF CHARGE: That the defendants from on or about May 16 and 17, 1946, to the date of filing the complaint had been brining, processing, and canning fish and fish products and vegetables under insanitary conditions, the result of the presence of flies, maggots, and rodents, and improper facilities and supervision; that the food products so processed by the defendants were adulterated within the meaning of Section 402 (a) (4) of the Federal Food, Drug, and Cosmetic Act; that the adulterated foods being so prepared and packed by the defendants were being shipped in interstate commerce from Rock Hall, Md., to other states; that various investigations and examinations made by representatives of the Food and Drug Administration had showed the existence of the insanitary conditions; and that the defendants had been warned to remedy the defects existing in their method of manufacture, but had failed to do so.

The complaint alleged further, on information and belief, that the defendants would continue to cause the introduction and delivery for introduction into interstate commerce of adulterated foods unless enjoined from so doing, and prayed the entry of a temporary restraining order, and that after due proceedings, the court enter an order enjoining the defendants from the acts complained of.

DISPOSITION: On July 1, 1946, the court entered an order that the defendants show cause why a temporary restraining order should not be entered as prayed by the complaint. On July 11, 1946, the defendants having consented, a temporary injunctive decree was entered enjoining the defendants, their agents, servants, and employees, and any and all other individuals or corporations in active concert or participation with them, from introducing, or delivering for introduction into interstate commerce, foods, and specifically, canned seafoods, adulterated within the meaning of the Act.

17538. Action to enjoin and restrain the interstate shipment of adulterated and misbranded oysters. U. S. v. Thomas B. Leonard and Elsie C. Leonard (I. L. Leonard & Co.). Preliminary injunction granted. (Inj. No. 208.)

COMPLAINT FILED: February 16, 1949, District of Maryland, against Thomas B. Leonard and Elsie C. Leonard, trading as I. L. Leonard & Co., Cambridge, Md.

NATURE OF CHARGE: That the defendants had been and were at the time shipping in interstate commerce fresh oysters at Cambridge, Md., which were adulterated under Section 402 (b) (2), in that excess water had been substituted in part

for oysters, and which were misbranded under Section 403 (g) (1), in that they failed to conform to the definition and standard of identity for oysters since they were not thoroughly drained as required by the standard.

The complaint alleged further that the defendants had been warned to correct their methods of operation and not to introduce, or cause the introduction or delivery for introduction, into interstate commerce of food which was adulterated and misbranded in the manner specified above; but that they had failed to correct their methods of operation and were continuously shucking, preparing, packing, and shipping adulterated and misbranded oysters in interstate commerce.

The complaint alleged further, on information and belief, that the defendants would continue to ship oysters in violation of the law unless enjoined, and prayed that they be perpetually enjoined from the commission of such acts and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: On April 7, 1949, the defendants having defaulted and failed to appear and the Government having moved the entry of a preliminary injunction, the court entered such preliminary injunction, enjoining and restraining the defendants and all persons acting on their behalf from introducing or causing the introduction, or delivering or causing to be delivered for introduction, into interstate commerce, oysters which were adulterated and misbranded as alleged in the complaint.

17539. Action to enjoin and restrain the interstate shipment of adulterated and misbranded oysters. U. S. v. Charles A. Neubert, Jr., and Milton B. Delcher, Jr. (W. H. McGee & Co.). Preliminary injunction granted. (Inj. No. 210.)

COMPLAINT FILED: February 16, 1949, District of Maryland, against Charles A. Neubert, Jr., and Milton B. Delcher, Jr., trading as W. H. McGee & Co., Baltimore, Md.

NATURE OF CHARGE: That the defendants had been and were at the time of filing the complaint engaged in the business of shucking, preparing, and packing fresh oysters; that during that time the defendants had been shipping in interstate commerce oysters which were adulterated within the meaning of Section 402 (b) (2), in that excess water had been substituted in part for oysters, and which were misbranded within the meaning of Section 403 (g) (1), in that they failed to conform to the definition and standard of identity for oysters selects and oysters standards since they were not thoroughly drained as required by the regulations; that despite warnings in December 1948 and January 1949, the defendants had failed to correct their methods of operation and were continuously shucking, preparing, and shipping adulterated and misbranded oysters in interstate commerce.

The complaint alleged further, on information and belief, that the defendants would continue to ship oysters in interstate commerce in violation of the law unless restrained from so doing, and prayed that they be perpetually enjoined from commission of such acts and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: On March 2, 1949, the defendants filed a motion for a more definite statement or bill of particulars and a petition for an extension of time to plead. The motion and petition were denied by the court. On March 21, 1949, the Government's motion for a temporary injunction came on for hearing. After hearing testimony and argument of counsel for both parties, it was agreed between the parties in open court that the entry of a restraining order

would be an acceptable substitute for a temporary injunction, pending trial on the merits.

On March 31, 1949, the defendants having filed answers denying the allegations of the complaint, but having stipulated and agreed that a preliminary injunction issue, without testimony being produced at the time or further findings of fact being made beyond those recited in the decree, the court ordered and decreed that the defendants and all their agents, servants, employees, and all persons in active concert or participation with them, be preliminarily enjoined from directly or indirectly introducing, or causing the introduction into interstate commerce, of oysters which were adulterated or misbranded as charged in the complaint.

17540. Action to enjoin and restrain the interstate shipment of adulterated and misbranded oysters. U. S. v. Tom's Cove Oyster Co., H. Allen Smith, Theron Hamilton, and Forrest Daisey. Decree for permanent injunction entered. (Inj. No. 207.)

COMPLAINT FILED: January 28, 1949, Eastern District of Virginia, against Tom's Cove Oyster Co., a partnership, Chincoteague, Va., and H. Allen Smith, Theron Hamilton, and Forrest Daisey, copartners.

NATURE OF CHARGE: The complaint alleged that the defendants had been and were at the time of filing the complaint introducing and delivering for introduction into interstate commerce, fresh shucked oysters which were adulterated under Section 402 (b) (2), in that excess water had been substituted in part for oysters, and which were misbranded under Section 403 (g) (1), in that they failed to conform to the definitions and standards of identity for oysters established by the regulations; that various investigations had been made during the year 1948, which disclosed the adulteration and misbranding of oysters as aforesaid; and that the defendants had been warned to correct their methods and desist from shipping adulterated and misbranded oysters in interstate commerce, but that they had failed to correct their methods and were continuing to violate the law.

The complaint alleged further, on information and belief, that the defendants would continue to ship oysters in violation of the law unless restrained from so doing, and prayed for the entry of an injunctive decree to restrain and enjoin such violative practices.

DISPOSITION: On February 8, 1949, the defendants having consented thereto, a permanent injunction was entered enjoining and restraining the defendants and all persons acting upon their behalf from directly or indirectly introducing, or causing the introduction, into interstate commerce of oysters adulterated or misbranded as charged in the complaint.

FRUITS AND VEGETABLES

CANNED FRUIT

17541. Misbranding of canned apricots. U. S. v. 383 Cases * * *. (F. D. C. No. 23990. Sample No. 18005-K.)

LABEL FILED: On or about November 26, 1947, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 27 and 31 and September 5, 1947, by Inter Mountain Food Co., Inc., from Grand Junction, Colo.

PRODUCT: 383 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Indianapolis, Ind.

LABEL, IN PART: "Irresistible Brand Unpeeled Whole Apricots in Heavy Syrup * * * Packed by Colorado Mountain Food Co., Grand Junction, Colorado."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product purported to be and was represented as canned apricots, and it failed to comply with the standard of fill of container since there was not present in the container the maximum quantity of optional apricot ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient; and the label failed to bear, as specified by the regulations, a statement that the product fell below such standard.

DISPOSITION: December 2, 1947. The Regal Stores, Inc., Indianapolis, Ind., having appeared as claimant, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

DRIED FRUIT

17542. Adulteration of dates. U. S. v. 14 Boxes * * *. (F. D. C. No. 19555. Sample No. 58265-H.)

LIBEL FILED: On or about April 6, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 9, 1945, by Ritter & Co., from Los Angeles, Calif.

PRODUCT: 14 boxes, each containing 24 packages, of dates at Billings, Mont.

LABEL, IN PART: "Golden Ripe Brand Dates Indio, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, and insect parts.

DISPOSITION: May 15, 1946. Default decree of condemnation and destruction.

FROZEN FRUIT

17543. Alleged adulteration of frozen strawberries, raspberries, loganberries, and boysenberries, and misbranding of frozen rhubarb. U. S. v. Midfield Packers and Herbert H. Huber. Pleas of not guilty; motion to dismiss. Counts dismissed charging partnership and Herbert H. Huber with shipping adulterated frozen berries. Count charging partnership with shipping misbranded frozen rhubarb tried on plea of not guilty; judgment of guilty; fine, \$250. (F. D. C. No. 22018. Sample Nos. 32151-H, 38587-H, 57145-H, 58345-H, 58352-H, 58353-H.)

INFORMATION FILED: On or about June 30, 1947, Western District of Washington, against the Midfield Packers, a partnership, Olympia, Wash., and Herbert H. Huber, partner and manager.

The Midfield Packers and Herbert H. Huber were charged with the shipment of frozen strawberries, raspberries, loganberries, and boysenberries. The Midfield Packers alone was charged with the shipment of frozen rhubarb.

ALLEGED SHIPMENT: On or about March 15, June 12, and July 15 and 25, 1946, from the State of Washington into the States of California, Illinois, New York, and Massachusetts.

LABEL, IN PART: "Moon Winks Whole Strawberries [or "Red Raspberries," "Loganberries," "Boysenberries," or "Rhubarb"]."

NATURE OF CHARGE: Frozen strawberries, raspberries, loganberries, and boysenberries. Adulteration, Section 402 (b) (1), valuable constituents, whole strawberries, raspberries, loganberries, and boysenberries, had been in part

omitted; Section 402 (b) (2), water had been substituted in part for the products; and, Section 402 (b) (4), water had been added to the products and mixed and packed with them so as to reduce their quality and make them appear better and of greater value than they were.

Frozen rhubarb. Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label did not bear the common or usual name of each such ingredient.

DISPOSITION: Pleas of not guilty having been entered to all counts of the information, the case was tried to the court without a jury on November 4 and 5, 1947. A motion to dismiss had been filed by the defendants and was argued prior to the taking of the evidence. At that time the court withheld ruling on the motion until the hearing of the evidence. At the close of the Government's case, the motion to dismiss was renewed and the court dismissed the counts charging the partnership and Herbert H. Huber with the shipment of adulterated strawberries, raspberries, loganberries, and boysenberries. The partnership, however, was found guilty of the charge of shipping misbranded rhubarb and was fined \$250. The following oral opinion was handed down by the court:

LEAVY, *District Judge*: "The Court is quite conscious of the significance of its ruling in this case, and for that reason I have given the matter very careful consideration and close attention—even some days before the case came on for trial.

"The defendants here, a co-partnership and the individual, Herbert H. Huber, are charged in four counts, eliminating the second count which the Government moved to dismiss, with adulterating food, particularly strawberries, red raspberries, loganberries and boysenberries.

"The charge is brought under 21 U. S. C., Section 342 (b) 1, which deals with adulteration. The indictment on its face would not be subject to a demurrer or a motion to dismiss. It might have been subject to a motion to make more definite and certain. For that reason, the Court at the outset of this case, declined to grant the motion to dismiss, but held the matter in abeyance until the Government's evidence would be heard in support of these four counts. The evidence as to one of them virtually applies to all of them, because the record as it now stands is to the effect that there was an interstate shipment of the products mentioned here as alleged, not only in the one case, but in all of them.

"The question for determination is first, is there any authority in law to classify the product here as an adulterated product. The term 'adulteration,' of course, is one whose meaning is well known to the general public, though sometimes it is given a more restricted meaning than it is given in this case. That is, people sometimes think of an article that is adulterated as being one that is made deleterious.

"Here, it is sought to show that the articles in question were adulterated not by a substance that would in any way injure or affect public health, but by a substance that would make the article that the public was buying less effective as a food. It's freely conceded that there was nothing about any of these berries that would result in damage or injury to the consumer; so we are confronted here with the question, first, is there evidence here that establishes beyond a reasonable doubt that there was an adulteration, accepting that definition as Congress wrote it in the act and as the public generally knows it, and in order to determine that fact, we must have some basis from which to proceed. I think this is particularly true in a case of this nature, being a criminal action, but it would be equally true if the action were brought as a libel proceeding, or as an injunction proceeding, though the evidence of course would not have to be such as to establish the ultimate fact by proof beyond a reasonable doubt in either of the two proceedings that I have suggested.

"The difficulty in making a determination here is not the failure of proof in any respect by the Government, with the single exception—and that's a vital thing, and that is, has there ever been a standard fixed? It is conceded that none was fixed in accordance with the provisions of the law as Congress enacted it, but the agency takes the position that after a consideration of what

the packers generally were doing throughout the country in processing fruits or berries of this character and type and in this manner, they themselves fixed a standard and the agency adopted such a standard. I am of the opinion that that position is not sound in any respect, either in a civil or a criminal case, and certainly not in a criminal case.

"While the Supreme Court of the United States in the very recent case that has been cited, the Dotterweich case, has gone a long way in the majority opinion in determining when liability exists—criminal liability exists under this act—they did not have before them the specific question that this Court has for determination.

"Were I to follow the district court of South Carolina, I think it was, where there was a seizure, 63 Federal Supplement, 915, and no regulation had been made, it may be that I would be warranted in coming to the conclusion that the Government insists is the law in this situation. I am not sufficiently familiar with the facts in that case, except as it has been pointed out to me that it was a civil proceeding rather than a criminal proceeding, to state that I would want to adopt the ultimate conclusions made by the Court there. We have a situation very different here. Tomato processed products have been common for some generations. Canned frozen berries in commercial quantities are a new product in a large measure.

"The testimony here is, and I think the Court would be warranted in taking judicial notice of what is common knowledge, that canned frozen fruits and vegetables were scarcely heard of in commercial lines fifteen or twenty years ago, and as the evidence is here, they really came into an active place in the economic and commercial picture of foods in the last four or five years, since the war—the second world war began. It is testified here that in processing berries, such as are involved in these four counts, a certain amount of sugar and a certain amount of water is an essential. That is, it would be impractical to put them on the market without adding either. I am not going to attempt to review the evidence in that regard.

"It's admitted here that the labeling was not false or misleading in that it recited that the buyer would receive so much fruit and so much sugar, and so much water. The labeling is well within the law. Possibly the agency could promulgate a regulation requiring such labeling to be made more specific, but that wasn't done. The charge is here that there was an adulteration.

"Now in order that there be an adulteration there must be a standard, and if there is no standard you simply cannot determine that there has been an adulteration of the product.

"Congress when they enacted the Pure Food and Drug Act of 1938, which was the third session of the 75th Congress—and I happened to be a member of that Congress, and though not upon that committee, but I was interested in this legislation to the extent that I followed it very closely and even participated in some of the debates in connection with the act. The objects and purposes of the enactment, as the debates will indicate, were to give the general public a greater protection than they were receiving under the somewhat antiquated Pure Food and Drug Act that had been enacted some thirty-two or thirty-three years before.

"Another purpose was to protect the citizen from being unduly harassed or—he or his business destroyed by reason of the activity of the agency. You will find, if you are interested in the debates, that there was constant reference made to the possibility of one accused, or one whose property was seized, having assurance that he could have his day in court, and as I recall, and as I think it is admitted here, there was an addition placed on this new act of 1938, and then there was an amendment in the next year, the 76th Congress in 1940, if I remember rightly, but this amendment was: that since it would be out of the question for the Congress to define in particularity all of the thousand and one different commodities that must be supervised, the Administrator of the act would be empowered to make regulations, and the regulations would be as effective as the act itself. Therefore, we have these two sections in the act. The one is Section 341 of Title 21, U. S. C. A., and insofar as it tends to clarify what I say here, I shall briefly read from it:

Whenever in the judgment of the administrator such action will promote honesty and fair dealing in the interests of the consumer, he shall promulgate regulations fixing and establishing for any food under its common or usual name, so far as practicable, a reasonable definition and standard of identity, and a reasonable standard of quality.

"Now, Section 371 of the act, covering general administrative provisions, provides for hearing and promulgating these regulations and how these hearings shall be conducted, also the effectiveness of definitions and standards of identity, and even provides for a review of the order. I mention these things to show with what care the Congress sought to protect the individual processor, manufacturer, or seller, as well as the general public.

"In the matter that we have before us, none of these steps were taken, and a more or less arbitrary position was taken by the Administrator, without notice, without warning, or without hearing, that twelve ounces of berries out of the pound would constitute a standard.

"It seems to me to adopt the position that the Government here takes, on the basis of such facts, is to conclude that the agency, without any authority of Congress, could define and establish a standard, which, if not complied with, might send a man to the penitentiary, cause him to pay heavy fines, and result in the entire loss of his business. It was never intended that should be done.

"The agency as a whole has done exceptionally fine work in protecting the American public from the greed and avarice of certain persons who impose upon it. They are given tremendous powers by the Congress in order to carry out that responsibility, but those very powers called for an exceedingly high degree of caution, in order to insure there would be no abuse and no undue hardship wrought upon the citizen.

"There are some early Supreme Court cases, and some rather late ones that have application to what I have just said.

"In order to prosecute criminally—that is what is involved in these two cases that I shall refer to—a person must be plainly and unmistakably within the provisions of the statute, and I go farther and say within the prohibition of the regulation. This was the rule as announced—and it has never been varied, *U. S. vs. Lacher*, 134 U. S. 624, and *U. S. vs. Gradwell*, 243 U. S. 476:

Congress alone has the power to define crimes and to name offenders. In this Pure Food and Drug Act, Congress did that in general terms and then empowered the Administrator by specific regulations to supplement the act, and a violation of the regulation will become an offense.

"There's no regulation in the matter that we have now for consideration, and the principle that I have just stated is the one that is announced in *U. S. vs. Westberger*, 5 Wheaton 76, opinion written by Chief Justice Marshall in the very beginning days of our national existence. Later cases hold this: Congress must specify persons it desires to punish—that is, the group of classes into which they fall, and it is based upon that principle of law that Justice Frankfurter held as he did in the case that the Government has referred to. Cases supporting the principle I have just stated are *United States vs. Harris*, 177 U. S. 305, and *Sarels vs. United States* in 152 U. S. 570.

"I am attempting to make a disposition of this case in a manner, so as not to create a result that would constitute jeopardy and thus make it impossible for the Government to ascertain whether I am right or wrong. To me the issue is so clear, and so free from doubt on the matter of authority to have—or on the matter of having—a fixed standard, that I would be committing a grievous error and doing violence to the rights of the citizen were I to refuse to grant the motion to dismiss.

"However important we may feel that it is to here protect the public from the avarice of the individual who sells a product that was only fifty or seventy-five percent equal to what his competitor is selling for the same price, this could not become a ground and a justification for this Court or any court to do violence to our fundamental principle that we are a government of laws and not of men, and therefore, men, even though they may be the head of a great administrative agency like the Pure Food and Drug agency, cannot, except in compliance with law, announce standards and regulations and make a violation of them, the subject of criminal penalties, or the loss of property, or the loss of business.

"This new business of frozen fruits and berries is a highly competitive business, and if the processors can, as the evidence seems to indicate here, group themselves into associations and adopt voluntary standards, and then secure the aid of a great governmental agency in forcing those who are not members to adopt the same standard, then we would have a deplorable situation, because then we would create a condition that would do violence to affirmative

law, that we have against monopolistic trade and practice. I am not intimating directly that such is the situation here. However, the few trade witnesses seemed to testify along that line.

"If no regulation is promulgated, and a product such as we have here is not limited by the governmental agency as to content, it is my holding that until they do fix some standard, they cannot maintain such an action, because the substance itself is harmless. The major part of it is berries. If it isn't interfered with by action taken by the Food and Drug agency, it would be but a short time until the public knew that these 'Moon Winks' products, the trade name that they use, were so inferior to many of the others they wouldn't buy it, but would buy the product of others who supplied a greater amount of berries.

"Aside from the important legal questions involved here, the practical question is, that the Pure Food and Drug agency wouldn't have enough inspectors and employees and servants if they doubled and trebled and quadrupled their staff, to go into the field of processing if they allowed the particular type of merchandise processors or vendors to fix a standard and they assumed the responsibility of enforcement. I am certain that wasn't the intent of Congress in enacting this law, and if it were the act would be unconstitutional.

"I am going to have to grant the motion to dismiss this case, not alone as it was made at the outset of the case, but as it is made now, upon the ground and for the reason that after hearing and considering the evidence in support of the allegations contained in the four counts of the indictment, there is no sufficient degree of evidence to warrant the Court in doing other than dismissing it, and I want to say in conclusion that if it is desired to appeal from this determination, I certainly would not discourage such an attitude or such a position if that be taken.

"I am conscious of the fact that an appeal to the Government is often limited, and were I to find at this stage of the case that the defendants are not guilty, I am doubtful if an appeal would lie. I am therefore sustaining the motion to dismiss on the ground, in light of the evidence, that there is no crime charged and you may prepare such an order on these four counts."

One witness was thereupon introduced by the defense in regard to the charge of misbranding frozen rhubarb, and the court ruled as follows:

"Under the limited evidence offered by the defendant, it is clear to the Court that the co-partnership is guilty of the offense charged in Count VI, of mislabeling, and I shall so find.

"This being a co-partnership, there would not be under the act, as I interpret it, a possibility of imposing a jail sentence, and the penalty would of necessity have to be a money fine.

"The offense is not a greatly aggravated one, and I think I might as well make a disposition of the matter now, and I shall assess a fine against the co-partnership in the sum of \$250.00, without costs, and you may prepare a judgment to that effect."

MISCELLANEOUS FRUIT PRODUCTS

17544. Action to enjoin and restrain the interstate shipment of adulterated apple juice, apple cider, and fermented vinegar stock. U. S. v. Western Food Products Co., Inc., and N. H. Benscheidt, H. J. Henry, and John M. Farley. Permanent injunction granted. (Inj. No. 158.)

COMPLAINT FILED: On February 3, 1947, District of Kansas, against Western Food Products Co., Inc., Hutchinson, Kans., and N. H. Benscheidt, Hutchinson, Kans., president of the corporation and member of a partnership trading at Wichita, Kans., under the name Wichita Vinegar Works which, together with the defendant corporation, owned and operated in Canon City, Colo., the Western Vinegar Works, and H. J. Henry, Hutchinson, Kans., manager, and John M. Farley, supervisor of operations, of the Western Vinegar Works.

NATURE OF CHARGE: That the Western Food Products Co., Inc., and N. H. Benscheidt had been and were at the time of filing the complaint producing

processed food, particularly vinegar, apple juice, apple cider, and fermented vinegar stock, a large part of which was being shipped in interstate commerce; that the defendants manufactured and stored in Canon City, Colo., from about the middle of August 1946 to the latter part of October 1946, in 20,000-gallon tanks, large quantities of apple juice, apple cider, and vinegar stock which were adulterated under Sections 402 (a) (3) and (4); that the defendants were shipping and causing the shipment in interstate commerce of large quantities of the said products; that the defendants had shipped and intended to make further shipments of these products from Canon City, Colo., to Wichita and Hutchinson, Kans., where they would be further processed into vinegar and shipped throughout the country; that during the period in 1946 when the products were manufactured, Federal inspectors inspected the plant at various times, particularly on September 19, 20, 23, and 24, and October 1, 4, 5, and 14, 1946, which inspections revealed that much of the raw stock being processed into these food products was wholly or partly rotten and infested with worms; that the physical condition of the plant was extremely insanitary; that the insanitary conditions were pointed out to defendant H. J. Henry, and repeated warnings were given to him to improve the raw material being processed and to remedy the defects in the method of operation; and that the defendants had failed to correct such methods of operation and continued to use rotten and wormy apples in the manufacture of the said products.

The complaint alleged further, on information and belief, that the defendants would continue to ship in interstate commerce, apple juice, apple cider, and fermented vinegar stock adulterated as stated hereinbefore, unless restrained from so doing, and prayed that the defendants be summoned to answer the complaint; that the court fix a time for hearing on this application for preliminary injunction, and issue such injunction after hearing; and that after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: On February 24, 1947, pursuant to stipulation between the parties, a temporary restraining order heretofore issued by the court was continued in effect as a preliminary injunction, pending the disposition of the action on its merits. On April 25, 1947, the court entered a permanent injunction enjoining and restraining the defendants and all persons acting upon their behalf from introducing and delivering for introduction into interstate commerce from the Wester Vinegar Works at Canon City, Colo., any apple juice, apple cider, and fermented vinegar stock in violation of Section 301 (a) of the Act.

VEGETABLES*

17545. Action to enjoin and restrain the interstate shipment of adulterated and misbranded canned vegetables. U. S. v. Alabama Products Canning Co., Inc. Injunction granted. (Inj. No. 153.)

COMPLAINT FILED: October 11, 1946, Middle District of Alabama, against Alabama Products Canning Co., Inc., Roanoke, Ala.

NATURE OF CHARGE: That the defendant since 1939 had been engaged in the business of canning food products and shipping them in interstate commerce at Roanoke, Ala., which products included canned okra, turnip greens, peas, beans, sweetpotatoes, and other vegetables; that these products were adulterated within the meaning of Sections 402 (a) (3) and (4), in that they consisted

*See also Nos. 17537, 17543.

in whole or in part of filthy substances, were prepared and packed under insanitary conditions whereby they may have become contaminated with filth, and were misbranded within the meaning of Section 403 (g) (1), in that they failed to conform to the definitions and standards of identity for such products since they were not so processed by heat as to prevent spoilage.

The complaint alleged further that factory inspections revealed that okra, a nonacid vegetable, was being processed in an open kettle, which was contrary to the rules and regulations pertaining to proper canning methods; that the employee who did the processing was unskilled in the operation of a pressure retort; that a sample of the okra was examined and found to be nonsterile; and that approximately 10 percent of the No. 10 cans of okra stored in the firm's warehouse were swells.

The complaint alleged further that factory inspections revealed that over-mature, insect-damaged beans and field peas were in the process of being canned; that the table tops and wooden baskets used for handling the vegetables were not clean and were in a very insanitary condition; that an interstate shipment of canned sweetpotatoes had been examined and found to be undergoing active bacterial decomposition due to under processing; and that of 644 cases of this shipment seized at Atlanta, Ga., only 354 cases were fit for food, and the remainder was destroyed.

The complaint alleged the existence of further insanitary conditions, including rotten potatoes in an old peach washer; rodent-contaminated salt tablets; okra piled in the sun, some of it being three or more days old and covered with white mold and rapidly decomposing; a filthy hopper; canvas inspection belt encrusted with foul-smelling gum and debris; pans used to receive cut okra, setting in muddy water on the floor and nested after emptying and re-used without being washed; toilets located in a shed adjoining the cannery which were filthy, with flies circulating between the toilets and piles of raw vegetables which were in close proximity.

The complaint alleged further that of a shipment into the State of Georgia, 5.4 percent of the cans contained decomposed material, and the contents of other cans were not sterile; that of a shipment into the State of North Carolina, 8.33 percent of the cans were swells, the product being found to be decomposed; and that a shipment of canned turnip greens into the State of North Carolina was found to be undergoing progressive decomposition due to faulty processing.

The complaint prayed that the defendant be restrained from introducing and causing to be introduced and delivered for introduction into interstate commerce canned vegetables, including okra, turnip greens, peas, sweetpotatoes, and all other vegetables, which are adulterated and misbranded as alleged.

DISPOSITION: October 15, 1946, the matter came on for hearing before the court, and an injunction was entered restraining and enjoining the defendant and all persons acting on its behalf from introducing and delivering for introduction and causing to be introduced and delivered for introduction into interstate commerce food products, more particularly canned vegetables such as okra, turnip greens, peas, sweetpotatoes, and all other vegetables, which are adulterated and misbranded as alleged in the complaint. The court ordered further that the defendant make such necessary repairs to its building and equipment as would comply with the rules and regulations as prescribed by the Food and Drug Administration.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17501 TO 17545

PRODUCTS

	N. J. No.		N. J. No.
Apple cider and apple juice-----	¹ 17544	Fruits and vegetables—Continued	
Apricots, canned-----	17541	fruit—Continued	
Bakers mixes-----	¹ 17506	frozen-----	² 17543
Bakery products-----	¹ 17501, ¹ 17502	miscellaneous fruit prod-	
Beans, canned-----	¹ 17545	ucts-----	¹ 17544
Boysenberries, frozen-----	² 17543	vegetables-----	¹ 17537, ² 17543, ¹ 17545
Butter-----	¹ 17511-17521	Greens, turnip, canned-----	¹ 17545
Candy-----	¹ 17508, ³ 17509	Loganberries, frozen-----	² 17543
Cane sirup-----	17510	Macaroni and noodle products--	¹ 17505
Cereals and cereal products---	¹ 17501-17506	Milk, skimmed-----	⁵ 17535
Cheese-----	^{1, 4} 17521-17529	Noodles. <i>See</i> Macaroni and	
Swiss-----	¹ 17521	noodle products.	
Chocolate coating-----	¹ 17507	Okra, canned-----	¹ 17545
Cider, apple-----	¹ 17544	Oysters-----	¹ 17538-17540
Cocoa-----	¹ 17507	Peas, canned-----	¹ 17545
Cookies-----	¹ 17502	Potatoes, sweet, canned-----	¹ 17545
Corn meal-----	¹ 17503, ¹ 17504	Raspberries, frozen-----	² 17543
Cream-----	⁵ 17530-17535	Rhubarb, frozen-----	² 17543
Dairy products-----	^{1, 4, 5} 17511-17535	Shellfish. <i>See</i> Fish and shell-	
Dates-----	17542	fish.	
Eggs, dried-----	⁶ 17536	Sirup, cane-----	17510
Fish and shellfish-----	¹ 17537-17540	Strawberries, frozen-----	² 17543
Flour-----	¹ 17503	Sweetpotatoes, canned-----	¹ 17545
Fruits and vegetables-----	¹ 17537, ^{1, 2} 17541-17545	Swiss cheese-----	¹ 17521
fruit, canned-----	17541	Turnip greens, canned-----	¹ 17545
dried-----	17542	Vegetables. <i>See</i> Fruits and	
		vegetables.	
		Vinegar stock, fermented-----	¹ 17544

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Alabama Products Canning Co.,		Beckham Candy Co. <i>See</i> Horowitz, Mrs. D. E. (Mrs. L. S.), and E. T.	
Inc.:		Benscheidt, N. H.:	
canned vegetables-----	¹ 17545	apple juice, apple cider, and	
Aylor, W. H.:		fermented vinegar stock---	¹ 17544
corn meal-----	¹ 17504	Boldemann, F. B.; Gerald; Oscar, Jr.; and Oscar, Sr.:	
Aylor & Meyer Co.:		chocolate coating and cocoa--	¹ 17507
corn meal-----	¹ 17504	Boldemann Chocolate Co.:	
Bear Lake Valley Dairymen's		chocolate coating and cocoa--	¹ 17507
Coop. Assn.:		Braveman, Charles:	
cheese, butter, and other dairy		cheese and cheese products..	¹ 17522
products-----	¹ 17521		
Beatrice Foods Co.:			
butter-----	17512		

¹ (17501-17508, 17521-17528, 17537-17540, 17544, 17545) Injunction issued.² 17543) Prosecution contested. Contains opinion of the court.³ (17509) Seizure contested. Contains opinion of the court.⁴ (17529) Prosecution contested.⁵ (17535) Injunction issued; contempt proceedings.⁶ (17536) Injunction issued. Contains findings of fact and conclusions of law.

	N. J. No.		N. J. No.
Brown, J. S., & Son:		Green, Howard, and Selma:	
cane sirup-----	17510	dried eggs-----	⁶ 17536
Buster Produce:		Gunzenbeck, Alfred:	
butter-----	17520	cheese-----	¹ 17527
Cambridge Bakery:		Hamilton, Theron:	
bakery products-----	¹ 17501	oysters-----	¹ 17540
Caravetta, Amerigo; C. J.; J. J.;		Harrison, E. S., and J. L.:	
and Louis:		fish and fish products and	
cheese-----	¹ 17525	vegetables-----	¹ 17537
Colorado Mountain Food Co.:		Henry, H. J.:	
canned apricots-----	17541	apple juice, apple cider, and	
Coop. Union Merc. Co.:		fermented vinegar stock---	¹ 17544
cream-----	17534	Horowitz, Mrs. D. E. (Mrs.	
Daisey, Forrest:		L. S.), and E. T.:	
oysters-----	¹ 17540	candy-----	¹ 17508
Delcher, M. B., Jr.:		Horowitz, L. S.:	
oysters-----	¹ 17539	candy-----	¹ 17508
Dubuque Cheese Factory. <i>See</i>		Huber, H. H.:	
Manders, C. P.		frozen strawberries, rasp-	
Economou, C. <i>See</i> Economou,		berries, loganberries, and	
Costastine.		boysenberries, and frozen	
Economou, Costastine:		rhubarb-----	² 17543
cheese-----	¹ 17528	Inter Mountain Food Co., Inc.:	
Ehrat Cheese Co.:		canned apricots-----	17541
cheese-----	¹ 17525	Jack's Cookie Co. <i>See</i> Kinder,	
Ethan Dairy Products. <i>See</i>		W. L.	
Feiner, A. M.		Kent Packing Co. <i>See</i> Harri-	
Farley, J. M.:		son, E. S., and J. L.	
apple juice, apple cider, and		Kinder, W. L.:	
fermented vinegar stock---	¹ 17544	cookies-----	¹ 17502
Farmers Coop. Creamery Assn.:		Kingston Coop. Dairy Assn.:	
butter-----	17516	butter-----	17514
Farmers Union Creamery Assn.:		Lake Henry Coop. Creamery:	
butter-----	17519	butter-----	17518
Feiner, A. M.:		Leonard, E. C., and T. B.:	
cheese-----	¹ 17526	oysters-----	¹ 17538
Feld, I. I., J. S., and S. M.:		Leonard, I. L., & Co. <i>See</i>	
dried eggs-----	⁶ 17536	Leonard, E. C., and T. B.	
First National Stores:		Leon's Produce:	
butter-----	17514	cream-----	17530
Gioia, Antonio, H. A., and		McGee, W. H., & Co. <i>See</i> Del-	
Madeline:		cher, M. B., Jr., and Neubert,	
macaroni and noodle prod-		C. A., Jr.	
ucts-----	¹ 17505	Manders, C. P.:	
Gioia Macaroni Co., Inc.:		cheese and cheese products----	¹ 17524
macaroni and noodle prod-		Martin, Mrs. George:	
ucts-----	¹ 17505	chocolate coating and cocoa--	¹ 17507
Great A. & P. Tea Co.:		Meadowlands Creameries, Inc.:	
butter-----	17516	butter-----	17513, 17518

¹ (17501-17508, 17521-17528, 17537-17540, 17544, 17545) Injunction issued.² (17543) Prosecution contested. Contains opinion of the court.⁶ (17536) Injunction issued. Contains findings of fact and conclusions of law.

	N. J. No.		N. J. No.
Meyer, A. N.:		Schuette, F. G.:	
corn meal-----	¹ 17504	cream and skimmed milk----	⁵ 17535
Midfield Packers:		Seymore Packing Co.:	
frozen strawberries, raspber-		cream-----	17533
ries, loganberries, and boy-		Smiley, B. F.:	
senberries, and frozen		cream-----	17531
rhubarb -----	² 17543	Smith, H. A.:	
Mohr, A. A.:		oysters-----	¹ 17540
cheese and cheese products--	¹ 17523	Star Milling Co.:	
Monark Food Products Co. <i>See</i>		corn meal and flour-----	¹ 17503
Feld, I. I., J. S., and S. M.;		Stella Cheese Co.:	
Green, Howard, and Selma;		butter-----	17517
Peiser, Ernest, and N. B.;		Stonebraker, L. L. <i>See</i> Stone-	
Rosenblum, Blanche, H. A.,		braker, Laurel L.	
Ira, and M. R.; and Strauss,		Stonebraker, Laurel L.:	
E. M.		cheese-----	⁴ 17529
Myers & Hicks Co., Inc.:		Strauss, E. M.:	
prepared bakers mixes-----	¹ 17506	dried eggs-----	⁶ 17536
Nef, Albert:		Tom's Cove Oyster Co.:	
cheese-----	¹ 17527	oysters-----	¹ 17540
Nelson Creamery Corp.:		Tripp Coop. Creamery Co.:	
cheese and cheese products--	¹ 17522	butter-----	17515
Neubert, C. A., Jr.:		Up-To-Date Candy Mfg. Co.:	
oysters-----	¹ 17539	candy-----	³ 17509
Oekle Produce:		Valley Queen Cheese Factory.	
cream-----	17532	<i>See</i> Gunzenbeck, Alfred,	
Patrick, U. W.:		and Nef, Albert.	
corn meal and flour-----	¹ 17503	Volney Cheese Factory. <i>See</i>	
Peiser, Ernest, and N. B.:		Mohr, A. A.	
dried eggs-----	⁶ 17536	Western Food Products Co.,	
Phillips, C. F., and L. T.:		Inc.:	
bakery products-----	¹ 17501	apple juice, apple cider, and	
Porter, Philip, Inc.:		fermented vinegar stock---	¹ 17544
cane sirup-----	17510	Western Vinegar Works. <i>See</i>	
Ringo, D. W.:		Farley, J. M., Henry, H. J.,	
corn meal and flour-----	¹ 17503	and Western Food Products	
Ritter & Co.:		Co., Inc.	
dates-----	17542	Wichita Vinegar Works. <i>See</i>	
Rosenblum, Blanche; H. A.;		Benscheidt, N. H., and West-	
Ira; and M. R.:		ern Food Products Co., Inc.	
dried eggs-----	⁶ 17536	Wilson & Co.:	
St. Rose Dairy Products. <i>See</i>		butter-----	17511
Schuette, F. G.		cheese and cheese products--	¹ 17522
Salenfriend, Leonard:		Zenith-Godley Co.:	
candy -----	¹ 17508	butter-----	17515

¹ (17501-17508, 17521-17528, 17537-17540, 17544, 17545) Injunction issued.

² (17543) Prosecution contested. Contains opinion of the court.

³ (17509) Seizure contested. Contains opinion of the court.

⁴ (17529) Prosecution contested.

⁵ (17535) Injunction issued; contempt proceedings.

⁶ (17536) Injunction issued. Contains findings of fact and conclusions of law.

732 Nf
61

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17546-17600

FOODS

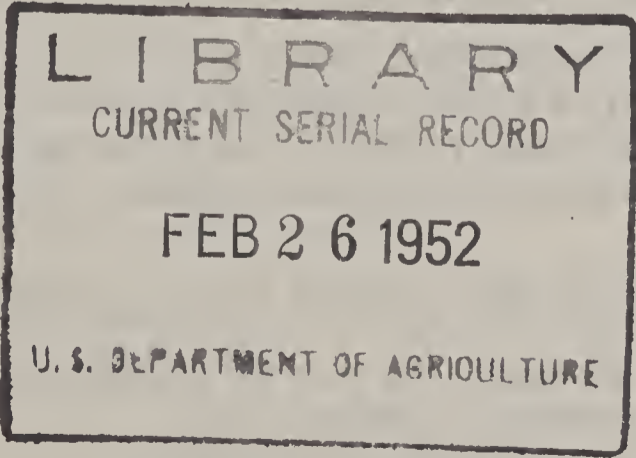
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 31, 1952.*

CONTENTS

	Page		Page
Candy and sirup-----	270	Fruits and vegetables—Continued	
Candy-----	270	Frozen fruit-----	280
Sirup-----	272	Miscellaneous fruit product-----	281
Dairy products-----	273	Vegetables-----	281
Butter-----	273	Nuts and nut products-----	284
Cheese-----	275	Poultry-----	285
Eggs and egg products-----	276	Spices, flavors, and seasoning	
Fish and shellfish-----	278	materials-----	288
Fruits and vegetables-----	280	Index-----	289
Canned fruit-----	280		



CANDY AND SIRUP**CANDY**

17546. Adulteration of candy. U. S. v. 52 Boxes * * *. (F. D. C. No. 30822. Sample No. 893-L.)

LIBEL FILED: February 27, 1951, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about December 28, 1950, by the Kersey Candy Co., from Richmond, Va.

PRODUCT: 52 boxes of candy at Asheboro, N. C.

LABEL, IN PART: (Box) "Marble Fudge," "Cocoanut Fudge," "Rainbow Slices," "Bacon Slices," and "Wilson Cream Squares."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 13, 1951. Default decree of condemnation and destruction.

17547. Adulteration of candy. U. S. v. 3 Cartons * * *. (F. D. C. No. 30834. Sample No. 7057-L.)

LIBEL FILED: February 19, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 22, 1950, by the P. S. Truesdell Co., from Columbus, Ohio.

PRODUCT: 3 22-pound cartons of candy at Pittsburgh, Pa.

LABEL, IN PART: (Carton) "Black Scotties."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 14, 1951. Default decree of condemnation and destruction.

17548. Adulteration of candy. U. S. v. 7 Cases, etc. (F. D. C. No. 30810. Sample Nos. 3955-L, 3956-L.)

LIBEL FILED: February 20, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about January 10, 1951, by Lester Brown & Co., from Laureldale, Pa.

PRODUCT: 7 cases, each containing 12 boxes, of chocolate-covered rabbits, and 9 cases, each containing 14 boxes, of chocolate-covered eggs at Baltimore, Md.

LABEL, IN PART: (Box) "Susie Brown 120 Count-MM Rabbit [or "Egg"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 27, 1951. Default decree of condemnation and destruction.

17549. Adulteration of candy. U. S. v. 35 Packages, etc. (F. D. C. No. 30975. Sample Nos. 28826-L to 28828-L, incl.)

LIBEL FILED: July 2, 1951, District of Montana.

ALLEGED SHIPMENT: On or about February 22 and March 2, 1950, from New York, N. Y.

PRODUCT: 35 8-ounce packages and 18 7-ounce packages of chocolate Easter rabbits and 116 4-ounce packages of chocolate Easter eggs at Butte, Mont.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 8, 1951. A default decree of condemnation was entered, and the court ordered that the products be denatured and delivered to a public institution, for use as animal feed.

17550. Adulteration of maple sugar candy. U. S. v. 32 Boxes, etc. (F. D. C. No. 30950. Sample Nos. 5396-L, 5397-L.)

LIBEL FILED: May 4, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 11, 1951, by the Vermont Confectionery Co., from Burlington, Vt.

PRODUCT: 32 boxes of maple sugar candy (hearts and flowers) and 31 boxes of maple sugar candy (miniature leaves) at Boston, Mass.

LABEL, IN PART: (Box) "Vermont Blue Ribbon Maple Products Net Wt. 8 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 8, 1951. Default decree of condemnation and destruction.

17551. Adulteration and misbranding of candy. U. S. v. 60 Boxes * * *. (F. D. C. No. 30847. Sample No. 22905-L.)

LIBEL FILED: March 20, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about September 19, 1950, and January 24, 1951, by the Marlon Confections Corp., from New York, N. Y.

PRODUCT: 60 14-ounce boxes of candy at Jersey City, N. J.

LABEL, IN PART: (Box) "Marlon Double Dipped Chocolate Cordial Fruits * * * Ingredients: * * * Strawberries, Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, strawberries and raspberries, had been in whole or in part omitted.

Misbranding, Section 403 (a), the vignette depicting chocolate cordials surrounded by strawberries and raspberries and the label statement "Ingredients: * * * Strawberries, Raspberries" were false and misleading as applied to an article which contained no strawberries or raspberries.

DISPOSITION: July 11, 1951. A default decree of condemnation was entered, and the court ordered that the product be delivered to a charitable institution after destruction of the labels on the product.

17552. Adulteration of licorice paste. U. S. v. MacAndrews & Forbes Co. Plea of guilty. Fine of \$250 on count 1. (F. D. C. No. 30119. Sample No. 81756-K.)

INFORMATION FILED: April 26, 1951, District of New Jersey, against the MacAndrews & Forbes Co., Camden, N. J.

ALLEGED SHIPMENT: On or about October 20, 1950, from the State of New Jersey into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), (count 1) the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The information alleged also (count 2) that the defendant had shipped in interstate commerce a quantity of extract of Glycyrrhiza which was adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: July 11, 1951. A plea of guilty having been entered, the court imposed a fine of \$250 on count 1. (The defendant was placed on probation for 2 years with respect to count 2.)

17553. Adulteration of candy-coated peanuts. U. S. v. 10 Cases * * *. (F. D. C. No. 30827. Sample No. 1799-L.)

LIBEL FILED: On or about February 26, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 15, 1951, by the Ferrara Candy Co., from Chicago, Ill.

PRODUCT: 10 33-pound cases of candy-coated peanuts at Atlanta, Ga.

LABEL, IN PART: (Case) "S. S. Pee Wee Excel Mix."

NATURE OF CHARGE: Adulteration, Section 402 (d), the product was confectionery and contained nonnutritive substances, namely, stones and sand.

DISPOSITION: March 20, 1951; amended March 27, 1951. Default decree of condemnation. The court ordered that 2 boxes of the product be delivered to the Food and Drug Administration and that the remainder be delivered to a public institution, for use as animal feed, in lieu of destruction.

SIRUP

17554. Adulteration and misbranding of sorghum and cane sirups. U. S. v. 10 Unlabeled 1-Gallon Cans, etc. (and 1 other seizure action). (F. D. C. Nos. 30793, 30794. Sample Nos. 76494-K, 76495-K.)

LIBELS FILED: March 6, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 24, 1950, from points outside the State of Arkansas to points within the State of Arkansas.

PRODUCT: 66 unlabeled 1-gallon cans of sirup represented to be sorghum and 14 unlabeled 1-gallon cans and 3 unlabeled ½-gallon cans of sirup represented to be cane sirup, at West Helena, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), sorghum with added sugar and glucose had been substituted for sorghum, and cane sirup with added sugar and glucose had been substituted for cane sirup.

Misbranding, Section 403 (b), the articles were offered for sale under the names of other foods; Sections 403 (e) (1) and (2), they failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the articles were fabricated from two or more ingredients, and they failed to bear labels containing the common or usual name of each such ingredient.

DISPOSITION: April 20, 1951. Default decrees of condemnation were entered, and the court ordered that the products be released to a public institution, for consumption by the inmates.

17555. Adulteration and misbranding of sorghum sirup. U. S. v. 22 Unlabeled 1-gallon Cans * * * (F. D. C. No. 30795. Sample No. 76495-K.)

LIBEL FILED: March 6, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 24, 1950, by Jimmie Jones, from Conehatta, Miss.

PRODUCT: 22 unlabeled 1-gallon cans of sirup represented to be sorghum, at Helena, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), sorghum with added sugar and glucose had been substituted for sorghum.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; Sections 403 (e) (1) and (2), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

DISPOSITION: April 20, 1951. A default decree of condemnation was entered, and the court ordered that the product be released to a public institution for consumption by the inmates.

DAIRY PRODUCTS

BUTTER*

The following cases report actions involving butter that was below the legal standard for milk fat content, Nos. **17556** to **17559**, and that which was short of the declared weight, No. **17560**.

17556. Adulteration of butter. U. S. v. 31 Boxes (1,860 pounds) * * *.
(F. D. C. No. 30955. Sample No. 19079-L.)

LIBEL FILED: February 28, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 27, 1951, by the Silver Creek Creamery, from Minneapolis, Minn.

PRODUCT: 31 60-pound boxes of butter at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 20, 1951. C. W. Dunnet & Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released for reworking under the supervision of the Food and Drug Administration.

17557. Adulteration of butter. U. S. v. 13 Boxes, etc. (1,518 pounds, total).
(F. D. C. No. 30952. Sample No. 19404-L.)

LIBEL FILED: April 23, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 12, 1951, by the Gilman Cooperative Creamery, from Gilman, Minn.

PRODUCT: Butter. 13 66-pound boxes and 10 66-pound boxes at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. W. Dunnet & Co."

*See also No. 17569.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 26, 1951. C. W. Dunnet & Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

17558. Adulteration of butter. U. S. v. 13 Boxes (845 pounds) * * *.
(F. D. C. No. 30954. Sample No. 19466-L.)

LIBEL FILED: March 27, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 17, 1951, by the Freedham Cooperative Creamery, from Little Falls, Minn.

PRODUCT: 13 65-pound boxes of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. W. Dunnett & Co."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 11, 1951. C. W. Dunnet & Co., Philadelphia Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration.

17559. Adulteration of butter. U. S. v. 11 Boxes (748 pounds) * * *.
(F. D. C. No. 30953. Sample No. 19470-L.)

LIBEL FILED: April 24, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 6, 1951, by the Strandquist Creamery, from Strandquist, Minn.

PRODUCT: 11 68-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Hunter, Walton & Co. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 7, 1951, Hunter, Walton & Co. as agent for the owner, O. Nyflot & Son, claimant, having admitted the allegation of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration, so that it would contain at least 80 percent by weight of milk fat.

17560. Misbranding of butter. U. S. v. 101 1-Pound Prints * * *. (F. D. C. No. 30951. Sample No. 12200-L.)

LIBEL FILED: April 11, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 2 through March 16, 1951, by the Prairie Farms Creameries, from Champaign, Ill.

PRODUCT: 101 1-pound prints of butter at Indianapolis, Ind.

LABEL, IN PART: "Country Club Butter * * * Packed For The Kroger Co., Cincinnati, Ohio. Net Weight 1 Pound" or "Prairie Farms Creameries * * * Prairie Farms Creameries Chicago, Ill. Country Club."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package containing the article did not bear an accurate statement of the quantity of the contents

since the label statement "Net Weight 1 Pound" was incorrect. (The prints were short of the declared weight.)

DISPOSITION: May 16, 1951. A default decree of condemnation was entered, and the court ordered that the product be released to a charitable institution.

CHEESE

17561. Adulteration of cheese. U. S. v. 29 Wheels * * *. (F. D. C. No. 30385. Sample No. 92302-K.)

LIBEL FILED: January 23, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about October 30, 1950, by Clarence D. Davis, Inc., from Elmira, N. Y.

PRODUCT: 29 wheels, each containing approximately 50 pounds, of cheese at New Haven, Conn.

LABEL, IN PART: (Wheels) "New York State Brand Washed Curd Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fragments of manure, insects, and rodent hair, and by reason of having been manufactured from filthy milk.

DISPOSITION: July 11, 1951. Clarence D. Davis, Inc., Elmira, N. Y., having appeared as claimant but subsequently having consented to the destruction of the product, judgment of condemnation was entered and the court ordered that the product be delivered to a public institution, for use as animal feed.

17562. Adulteration of cheese. U. S. v. 2 Drums, etc. (F. D. C. No. 30947. Sample No. 24146-L.)

LIBEL FILED: May 7, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about April 18, 1951, from Brooklyn, N. Y.

PRODUCT: 2 200-pound drums and 1 50-pound drum containing cheese at North Bergen, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and dirt. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 20, 1951. Default decree of condemnation and destruction.

17563. Adulteration and misbranding of grated cheese. U. S. v. John Colameco (Rialto Food Products). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 30603. Sample Nos. 81445-K, 81698-K.)

INFORMATION FILED: June 21, 1951, Eastern District of Pennsylvania, against John Colameco, trading as the Rialto Food Products, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about July 5 and December 11, 1950, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: (Carton) "Italian Style Grated Cheese"; (cylindrical container) "Highest Quality Rialto Food Products Italian Style Grated Cheese Packed by Rialto Food Products Philadelphia, Pa. This product is prepared from domestic and imported cheese with non-fat milk solids added. * * * Contents 1¼ Ozs. or Over."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance other than cheese had been substituted in part for grated cheese.

Misbranding, Section 403 (a), the label statement "Grated Cheese" was false and misleading since the product did not consist of grated cheese but did consist of a mixture of grated cheese and a product other than cheese.

DISPOSITION: September 24, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

17564. Adulteration of cheese curd. U. S. v. Vineland Cheese Co., a corporation, and Salvatore Maggio (Serafino F. Maggio). Pleas of guilty. Corporation fined \$250. Sentence suspended against individual and individual placed on 2 years' probation. (F. D. C. No. 29111. Sample No. 48621-K.)

INFORMATION FILED: October 10, 1950, District of New Jersey, against the Vineland Cheese Co., Vineland, N. J., and Salvatore Maggio, also known as Serafino F. Maggio.

ALLEGED SHIPMENT: On or about October 21, 1949, from the State of New Jersey into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of flies, fly parts, maggots, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 20, 1951. Pleas of guilty having been entered, the corporation was fined \$250. Imposition of sentence was suspended against the individual defendant, and he was placed on probation for a 2-year period.

EGGS AND EGG PRODUCTS

17565. Adulteration of eggs. U. S. v. Wendell G. Mezick. Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 29608. Sample Nos. 81069-K, 81178-K.)

INFORMATION FILED: August 4, 1950, District of Maryland, against Wendell G. Mezick, Fruitland, Md.

ALLEGED SHIPMENT: On or about May 1, 1950, from the State of Maryland into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of decomposed eggs.

DISPOSITION: May 11, 1951. A plea of guilty having been entered, the defendant was fined \$100, together with costs.

17559. Adulteration of butter. U. S. v. 11 Boxes (748 pounds) * * *. (F. D. C. No. 30809. Sample No. 24099-L.)

LIBEL FILED: February 23, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about January 22, 1951, by Robert Koch, from Omaha, Nebr.

PRODUCT: 1,360 pounds of whole egg powder in 7 barrels at New York, N. Y.

LABEL, IN PART: (Barrel) "Ben Goldenberg, Inc. 363 Greenwich St., New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of splinters, brush fibers, paint fragments, metal fragments, cigarette butts, and other extraneous material.

DISPOSITION: April 23, 1951. Default decree of condemnation and destruction.

17567. Adulteration and misbranding of whole egg powder. U. S. v. 10 Cases
* * *. (F. D. C. No. 30846. Sample Nos. 24105-L, 24110-L.)

LIBEL FILED: March 20, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 21, 1951, by J. Rosenblum & Sons, from Paterson, N. J.

PRODUCT: 10 cases, each containing 24 cans, of whole egg powder at New York, N. Y.

LABEL, IN PART: (Can) "Lakeview Brand Whole Egg Powder 8 Oz. Net Wt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and wood splinters.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The packages contained less than the declared weight.

DISPOSITION: April 9, 1951. Default decree of condemnation and destruction.

17568. Adulteration and misbranding of whole egg powder. U. S. v. 6 Cases
(and 1 other seizure action). (F. D. C. Nos. 30744, 30753. Sample Nos. 24101-L, 24104-L, 24108-L, 24109-L.)

LIBELS FILED: March 16 and 20, 1951, Southern and Eastern Districts of New York.

ALLEGED SHIPMENT: On or about November 2 and 9 and December 20 and 31, 1950, from Omaha, Nebr., Spirit Lake, Iowa, and Manning, Iowa.

PRODUCT: Whole egg powder. 6 cases at New York, N. Y., and 15 cases at Brooklyn, N. Y., each case containing 24 cans labeled "8 Oz. Net Wt."

RESULTS OF INVESTIGATION: The product was shipped in bulk and was re-packaged by the Lakeview Dairy Products, Inc., New York, N. Y.

LABEL, IN PART: "Lakeview Brand Whole Egg Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, wood splinters, and plant fragments.

Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared amount.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 9 and 30, 1951. Default decrees of condemnation and destruction.

17569. Adulteration of whole egg powder and misbranding of butter. U. S. v. 5 Cases, etc. (F. D. C. No. 30768. Sample Nos. 3555-L, 3556-L.)

LIBEL FILED: On or about March 8, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about January 3 and 30, 1951, by Lakeview Dairy Products, Inc., from New York, N. Y.

PRODUCT: 5 cases, each containing 24 1-pound cans of butter, and 297 8-ounce cans of egg powder, at Baltimore, Md.

LABEL, IN PART: (Can) "1 Lb. Net Weight Lakeview Creamery Butter" and "Lakeview Brand Whole Egg Powder."

NATURE OF CHARGE: Adulteration (egg powder), Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and wood splinters.

Misbranding (butter), Section 403 (e) (2), the product was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short of the declared weight.)

DISPOSITION: April 16, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

17570. Adulteration and misbranding of canned herring roe. U. S. v. 9 Cases * * * (and 1 other seizure action). (F. D. C. No. 30956, 31221. Sample Nos. 2788-L, 2973-L.)

LIBELS FILED: On or about June 25 and 27, 1951, Western District of Virginia and District of Columbia.

ALLEGED SHIPMENT: On or about January 24 and March 9, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: Herring roe. 9 cases, each containing 24 15-ounce cans, at Waynesboro, Va., and 37 cases, each containing 24 15-ounce cans, at Washington, D. C.

LABEL, IN PART: "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label statement "Herring Roe" was false and misleading as applied to an article consisting of roe other than herring roe.

DISPOSITION: August 21 and 27, 1951. Default decrees of condemnation were entered, and the courts ordered that the product be delivered to a Waynesboro, Va., welfare organization and a Washington, D. C., hospital, respectively, for the use of these institutions but not for sale.

17571. Adulteration of oysters. U. S. v. Fred P. Rapp, Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 30609. Sample No. 31455-L.)

INFORMATION FILED: July 13, 1951, Eastern District of Missouri, against Fred P. Rapp, Inc., Richmond Heights, Mo.

INTERSTATE SHIPMENT: On or about December 16, 1950, from the State of New Jersey into the State of Missouri, of a number of cans of oysters.

ALLEGED VIOLATION: Within the period from on or about December 29, 1950, to on or about January 10, 1951, while the product was being held for sale after shipment in interstate commerce, the defendant caused a quantity of water to be added to the product, which act resulted in the product being adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), added water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk and reduce its quality.

DISPOSITION: September 26, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

17572. Adulteration of canned shrimp and canned oysters. U. S. v. Pelican Lake Oyster & Packing Co., Ltd. Plea of nolo contendere. Fine, \$1,500.
(F. D. C. No. 29453. Sample Nos. 32546-K, 50089-K, 50090-K.)

INFORMATION FILED: November 27, 1950, Eastern District of Louisiana, against the Pelican Lake Oyster & Packing Co., Ltd., a corporation, Houma, La.

ALLEGED VIOLATION: On or about August 16, 1949, the defendant gave to a firm engaged in the business of shipping oysters in interstate commerce, at New Orleans, La., a guaranty to the effect that foods, canned or otherwise, sold by the defendant to the holder of the guaranty would not be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. During the period from on or about August 16, 1949, to on or about November 4, 1949, the defendant sold and delivered under the guaranty, at New Orleans, La., a number of cans of oysters that were adulterated.

On or about November 3, 1949, the defendant shipped a quantity of canned oysters and canned shrimp from the State of Louisiana into the State of Washington.

LABEL, IN PART: "Pel - La - Co Louisiana Shrimp [or "Louisiana Oysters"] Pelican Lake Oyster & Packing Co., Ltd., Distributors Houma, Louisiana" or "Pearl Reef Brand * * * Cove Oysters * * * Haas Bros. Distributors San Francisco, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of decomposed substances by reason of the presence of decomposed shrimp or oysters.

DISPOSITION: January 24, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$1,500.

17573. Misbranding of canned chopped clams. U. S. v. 32 Cases * * *.
(F. D. C. No. 30966. Sample Nos. 30225-L, 30230-L.)

LIBEL FILED: July 2, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about April 23, 1951, by the Iwersen Canning Co., from Cape May, N. J.

PRODUCT: 32 cases, each containing 12 cans, of chopped clams at Seattle, Wash.

LABEL, IN PART: "Happy Home Brand Contents 3 Lbs. 3 Oz. Avoir. Chopped Clams."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 3 pounds, 3 ounces, the declared weight.)

DISPOSITION: August 2, 1951. The Iwersen Canning Co., Point Roberts, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17574. Adulteration and misbranding of frozen crab cakes. U. S. v. 237 Packages * * *.
(F. D. C. No. 30806. Sample No. 3065-L.)

LIBEL FILED: February 20, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about January 15, 1951, by Home Style Foods, Inc., from Philadelphia, Pa.

PRODUCT: 237 packages of frozen crab cakes at Washington, D. C.

LABEL, IN PART: (Package) "Home Style Deviled Crab Cakes 24 Count Net Wt. 2 lb. 4 oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing fish and crab meat had been substituted in whole or in part for crab cakes.

Misbranding, Section 403 (a), the name "Crab Cakes" appearing on the label was false and misleading as applied to an article containing fish.

DISPOSITION: March 14, 1951. Home Style Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

FRUITS AND VEGETABLES

CANNED FRUIT

17575. Adulteration of canned prunes. U. S. v. 27 Cases * * *. (F. D. C. No. 30681. Sample No. 18955-L.)

LIBEL FILED: March 7, 1951, District of South Dakota.

ALLEGED SHIPMENT: On or about October 18, 1950, by J. C. Tracy & Co., from Dallas, Oreg.

PRODUCT: 27 cases, each containing 6 6-pound, 8-ounce cans, of prunes at Sioux Falls, S. Dak.

LABEL, IN PART: "Valley Home Bread * * * Plums/Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed prunes.

DISPOSITION: July 23, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

17576. Adulteration of frozen strawberries. U. S. v. Cloverdale Cooperative Berry Assn., a corporation, and Edward Pisila. Pleas of not guilty. Tried to the court and jury; verdict of guilty. Corporation fined \$1,000 and individual defendant fined \$200, together with costs. (F. D. C. No. 29638. Sample Nos. 79063-K to 79066-K, incl.)

INFORMATION FILED: January 9, 1951, Western District of Washington, against the Cloverdale Cooperative Berry Assn., Kalama, Wash., and Edward Pisila, manager of the corporation.

ALLEGED SHIPMENT: On or about June 24 and 27, 1950, from the State of Washington into the State of Oregon.

LABEL, IN PART: "Cloverdale Co-Op Berry Assn. Marshall Strawberries Straight Juice Net 380 Lbs. Kalama, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of rotten strawberries.

DISPOSITION: Pleas of not guilty having been entered, the cause came on for trial before the court and jury, and on August 16, 1951, a verdict of guilty was rendered. On August 24, 1951, the court imposed a fine of \$1,000 against the corporation and \$200 against the individual defendant, together with costs.

17577. Adulteration of frozen strawberries. U. S. v. 114 Cases, etc. (F. D. C. No. 30938. Sample Nos. 2969-L, 2970-L.)

LIBEL FILED: April 25, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about February 26 and March 19, 1951, by Southland Frozen Foods, Inc., from Webster, N. Y.

PRODUCT: 137 cases, each containing 24 cups, of frozen strawberries at Washington, D. C.

LABEL, IN PART: (Cup) "Distributed By Cortley Frosted Foods, Inc., N. Y. Net Wt. 8 Oz. In Sugar Whole Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

DISPOSITION: June 26, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public zoological park for its own use and not for sale.

MISCELLANEOUS FRUIT PRODUCT

17578. Adulteration of Old English plum pudding. U. S. v. 7 Cartons * * *. (F. D. C. No. 30845. Sample No. 69887-K.)

LIBEL FILED: On or about February 19, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about December 21, 1950, from Pittsburgh, Pa. This was a return shipment.

PRODUCT: 7 cartons, each containing 12 2-pound cans, of Old English plum pudding at Baltimore, Md.

LABEL, IN PART: (Can) "Old English Plum Pudding Packed in Baltimore, Md., By The Crosse & Blackwell Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its undergoing chemical decomposition.

DISPOSITION: March 27, 1951. Default decree of condemnation and destruction.

VEGETABLES

17579. Adulteration of celery. U. S. v. Pacific Gamble Robinson Co. (Pacific Fruit & Produce Co.). Plea of nolo contendere. Fine, \$225. (F. D. C. No. 29994. Sample Nos. 68360-K, 68362-K to 68364-K, incl.)

INFORMATION FILED: March 13, 1951, Western District of Washington, against the Pacific Gamble Robinson Co., a corporation, trading as the Pacific Fruit & Produce Co., Seattle, Wash.

ALLEGED VIOLATION: On or about January 10, 1950, the defendant received in interstate commerce adulterated celery from Salinas, Calif., and on or about January 12 and 14, 1950, delivered it for pay to purchasers in Seattle, Wash.

LABEL, IN PART: "Du-Bal's Royal Family Brand * * * California Pascal Celery Shipped With Hydro Ice Du-Bal Packing Company Salinas, California 2 Doz. Pascal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening due to freezing.

DISPOSITION: September 11, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$225.

17580. Misbranding of stuffed ripe olives. U. S. v. 20 Cases * * *. (F. D. C. No. 30978. Sample No. 30166-L.)

LIBEL FILED: June 13, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about April 24, 1951, by the Spencer Food Co., from Los Angeles, Calif.

PRODUCT: 20 cases, each containing 24 3-ounce bottles, of stuffed ripe olives at Seattle, Wash.

LABEL, IN PART: "Napoleon Stuffed Ripe Olives."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 10, 1951. A. Magnano & Sons, Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17581. Adulteration of canned peas. U. S. v. 39 Cases * * *. (F. D. C. No. 30968. Sample No. 21729-L.)

LIBEL FILED: June 26, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about January 22, 1951, by Fresh Canning Co., Inc., from Spiro, Okla.

PRODUCT: 39 cases, each containing 24 1-pound, 4-ounce cans, of peas at Natchez, Miss.

LABEL, IN PART: "Le Flore Brand * * * Fresh Crowder Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of progressive decomposition.

DISPOSITION: July 7, 1951. The court ordered that the product be destroyed.

17582. Adulteration of canned spinach. U. S. v. 592 Cases * * *. (F. D. C. No. 30977. Sample No. 16179-L.)

LIBEL FILED: On or about August 2, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about April 23, 1951, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 592 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Kansas City, Kans.

LABEL, IN PART: "King of Ozarks Brand Fancy Grade Spinach * * * Packed by Robinson Canning Co. Siloam Springs, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 14, 1951. Default decree of condemnation and destruction.

17583. Adulteration of canned spinach. U. S. v. 74 Cases * * *. (F. D. C. No. 30835. Sample No. 9238-L.)

LIBEL FILED: March 5, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 15, 1950, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 74 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Chicago, Ill.

LABEL, IN PART: (Can) "Silver Cup Brand Garden Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

17584. Adulteration and misbranding of canned spinach. U. S. v. 37 Cases * * *. (F. D. C. No. 30722. Sample No. 31967-L.)

LABEL FILED: On or about March 31, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 28, 1950, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 37 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Springfield, Mo.

LABEL, IN PART: "The Allens Brand * * * Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), grass and weeds had been substituted in part for spinach.

Misbranding, Section 403 (g) (1), the product failed to comply with the definition and standard of identity for canned spinach since it contained grass and weeds.

DISPOSITION: May 21, 1951. Default decree of condemnation and destruction.

17585. Adulteration of canned spinach. U. S. v. 48 Cases * * *. (F. D. C. No. 30838. Sample No 9239-L.)

LABEL FILED: February 28, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 22, 1950, by the Russellville Canning Co., from Russellville, Ark.

PRODUCT: 48 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Chicago, Ill.

LABEL, IN PART: (Can) "Russellville Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

17586. Adulteration and misbranding of canned turnip greens. U. S. v. 44 Cases * * * (and 1 other seizure action). F. D. C. Nos. 30961, 30962. Sample Nos. 21743-L, 21744-L.)

LIBELS FILED: June 21, 1951, Middle District of Alabama.

ALLEGED SHIPMENT: On or about January 31 and June 1, 1951, by Markham Bros. & Co., from Okeechobee, Fla.

PRODUCT: 240 cases, each containing 6 No. 10 cans, of turnip greens at Montgomery, Ala.

LABEL, IN PART: "Markham Brand Chopped Young Tender Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned turnip greens since it had not been processed by heat so as to prevent spoilage, as required by the regulations.

DISPOSITION: July 30, 1951. Default decrees of condemnation and destruction.

NUTS AND NUT PRODUCTS*

17587. Adulteration of brazil nuts. U. S. v. 599 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 29863, 30237. Sample Nos. 93064-K, 93066-K.)

LIBELS FILED: November 3 and 9, 1950, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 18 and 23, 1950, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 599 boxes, each containing 25 1-pound bags, and 239 boxes, each containing 25 1-pound packages, of brazil nuts at Atlanta, Ga.

LABEL, IN PART: (Bag) "Holly Large Washed Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts, and it was otherwise unfit for food by reason of the presence of rancid nuts.

DISPOSITION: November 20, 1950. Wm. A. Higgins & Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the release of 14,274 pounds of good nuts. The unfit portion, 5,975 pounds, was destroyed.

17588. Adulteration of peanuts. U. S. v. 25 Bags * * *. (F. D. C. No. 30958. Sample No. 18930-L.)

LIBEL FILED: June 21, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about December 20, 1950, from Plymouth, N. C.

PRODUCT: 25 100-pound bags of peanuts at Sioux City, Iowa, in the possession of the Tolerton & Warfield Co., Sioux City, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 21, 1951. The Tolerton & Warfield Co., Sioux City, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit portion from the unfit, and that the unfit portion be destroyed or converted into animal feed or otherwise brought into compliance with the law, under the supervision of the Federal Security Agency. Segregation operations resulted in the release of 22½ bags of peanuts as fit. Each of these bags contained approximately 95 pounds.

17589. Adulteration and misbranding of shelled Spanish peanuts. U. S. v. 11 Unlabeled Bags * * *. (F. D. C. No. 30877. Sample No. 9883-L.)

LIBEL FILED: March 29, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 13, 1951, by the E. B. Johnson Co., from Dallas, Tex.

PRODUCT: 11 120-pound unlabeled bags of shelled Spanish peanuts at Chicago, Ill.

*See also No. 17553.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

Misbranding, Sections 403 (e) (1) and (2), the product was food in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), it failed to bear a label containing the common or usual name of the food.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

17590. Adulteration of peanut butter. U. S. v. Newark Packing Co., Inc., and Ewing Smith, George Gershuny, and Kenneth Partington. Pleas of guilty. Corporation fined \$1,000, imposition of sentence against individuals suspended. (F. D. C. No. 29635. Sample Nos. 56329-K, 57567-K.)

INFORMATION FILED: October 18, 1950, District of New Jersey, against Newark Packing Co., Inc., Newark, N. J., and Ewing Smith, president, George Gershuny, vice president, and Kenneth Partington, production manager.

ALLEGED SHIPMENT: On or about March 25 and April 19, 1950, from the State of New Jersey into the States of New York and Connecticut.

LABEL, IN PART: (Portion) "Aster Brand Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 20, 1951. Pleas of guilty having been entered, the corporation was fined \$1,000. Imposition of sentence was suspended as to the individual defendants.

17591. Adulteration of peanut butter. U. S. v. Millard United Co., a corporation, and Frederick Millard and Mathias J. Riedl. Pleas of guilty. Corporation and Defendant Millard each fined \$200 and Defendant Riedl fined \$100, together with costs. (F. D. C. No. 29645. Sample Nos. 59021-K, 75954-K.)

INFORMATION FILED: December 8, 1950, Northern District of Illinois, against the Millard United Co., Chicago, Ill., and Frederick Millard, president-treasurer, and Mathias J. Riedl, chief clerk and factory superintendent.

ALLEGED SHIPMENT: On or about May 4 and June 21, 1950, from the State of Illinois into the States of Wisconsin and Iowa.

LABEL, IN PART: "Brownie Brand Energized Peanut Butter" or "Peanut Butter Peanuts & Salt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 1, 1951. Pleas of guilty having been entered, the corporation and Defendant Millard were each fined \$200 and Defendant Riedl was fined \$100, together with costs.

POULTRY

17592. Adulteration of dressed poultry. U. S. v. 1,744 Pounds * * *. (F. D. C. No. 30848. Sample No. 24305-L.)

LIBEL FILED: March 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 27, 1951, by the Delmarva Poultry Corp., from Milford, Del.

PRODUCT: 1,744 pounds of dressed poultry in 22 crates marked with grade designations and net weight at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 10, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration; that the Food and Drug Administration segregate the fit portion of the product from the unfit and permit the delivery of the fit portion to charitable institutions; and that the unfit portion be destroyed. Segregation operations resulted in the release of 1,000 pounds as good and the destruction of 700 pounds.

17593. Adulteration of dressed poultry. U. S. v. 444 Pounds * * *. (F. D. C. No. 30776. Sample No. 24301-L.)

LIBEL FILED: March 16, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 15, 1951, by Berry Brothers, from Morrill, Maine.

PRODUCT: 444 pounds of dressed poultry in 6 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of diseased animals or of animals which had died otherwise than by slaughter.

DISPOSITION: April 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration; that the portion of the remainder that was not diseased and was fit for human consumption be segregated under the supervision of the Food and Drug Administration and delivered to local hospitals; and that the unfit portion be destroyed. Approximately 240 pounds of poultry were found to be passable and were delivered to the hospitals.

17594. Adulteration of dressed poultry. U. S. v. 404 Pounds * * *. (F. D. C. No. 30948. Sample No. 24328-L.)

LIBEL FILED: May 7, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 26, 1951, by Diamond State Poultry Co., Inc., from Lewes, Del.

PRODUCT: 404 pounds of dressed poultry in 5 crates marked with the grade and the net weight at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with crop material and fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: June 5, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

17595. Adulteration of dressed poultry. U. S. v. 127 Pounds * * *. (F. D. C. No. 30946. Sample No. 24327-L.)

LIBEL FILED: May 9, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 25, 1951, by the Maplewood Packing Co., from Belfast, Maine.

PRODUCT: 127 pounds of dressed poultry in 2 crates marked with the grade and the net weight at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: May 31, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17596. Adulteration of dressed poultry. U. S. v. 3 Crates * * *. (F. D. C. No. 30779. Sample No. 4879-L.)

LIBEL FILED: March 12, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 1, 1951, by Joe Cohen, from Yarmouth, Maine.

PRODUCT: 3 crates, each containing 12 head, of New York dressed poultry at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: April 23, 1951. Default decree of condemnation. The court ordered that the portion that was fit for human consumption be segregated by the United States marshal, under the supervision of the Food and Drug Administration, and delivered to a charitable institution, and that the unfit portion be destroyed. Approximately 36 birds were seized, and of these, 7 were salvaged as fit and the remainder were destroyed.

17597. Adulteration of turkeys. U. S. v. 100 Crates * * *. (F. D. C. No. 30406. Sample No. 24293-L.)

LIBEL FILED: January 30, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about December 22, 1950, by Floden-Button, from Modesto, Calif.

PRODUCT: 100 crates containing a total of 10,571 pounds of turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of turkeys contaminated with fecal matter.

DISPOSITION: April 20, 1951. Floden-Button, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the turkeys be cleaned and eviscerated and otherwise made to conform with the requirements of the law, under the supervision of the Federal Security Agency. The turkeys were thawed, scrubbed, and eviscerated.

SPICES, FLAVORS, AND SEASONING MATERIALS

17598. Adulteration and misbranding of black pepper. U. S. v. 51 Jars * * *.
(F. D. C. No. 30941. Sample No. 23709-L.)

LIBEL FILED: April 30, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about September 25, 1950, by the Moss Food Products Corp., from North Bergen, N. J.

PRODUCT: 51 4-ounce jars of black pepper at New Haven, Conn.

LABEL, IN PART: (Jar) "Lee Brand Pure Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of black pepper, molle seed, and salt had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading as applied to a mixture of black pepper, molle seed, and salt.

DISPOSITION: July 2, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

17599. Adulteration of chili peppers. U. S. v. 5 Bags * * *. (F. D. C. No. 30707. Sample No. 28105-L.)

LIBEL FILED: March 16, 1951. Northern District of California.

ALLEGED SHIPMENT: On or about August 10, 1950, from New York, N. Y.

PRODUCT: 5 bags, each containing 80 pounds, of chili peppers at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta, and of a decomposed substance by reason of the presence of mold. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 31, 1951. Default decree of condemnation and destruction.

17600. Adulteration of salt. U. S. v. 200 Bags * * *. (F. D. C. No. 30971. Sample No. 2904-L.)

LIBEL FILED: June 28, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 4, 1951, by the Liverpool Salt Co., from Hartford, W. Va.

PRODUCT: 200 25-pound bags of salt at Pomeroy, Ohio.

LABEL, IN PART: "White Rock Brand Pomeroy Salt Corporation Pomeroy, Ohio PSC Non Hardening Ohio River Salt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of bat excreta and bat hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 4, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17546 TO 17600

PRODUCTS

	N. J. No.		N. J. No.
Brazil nuts	17587	Olives, ripe, stuffed	17580
Butter	17556-17560, 17569	Oysters	17571, 17572
Candy	17546-17553	canned	17572
Cane sirup	17554	Peanut(s)	17553, 17588, 17589
Celery	17579	butter	17590, 17591
Cheese	17561-17564	candy-coated	17553
curd	17564	Spanish, shelled	17589
grated	17563	Peas, canned	17581
Chickens. <i>See Poultry.</i>		Pepper, black	17598
Chili peppers	17599	Peppers, chili	17599
Clams, chopped, canned	17573	Plum pudding, Old English	17578
Crab cakes, frozen	17574	Poultry	17592-17597
Dairy products	17556-17564, 17569	Prunes, canned	17575
Egg(s)	17565	Roe, herring, canned	17570
powder, whole	17566-17569	Salt	17600
Fish and shellfish	17570-17574	Shellfish. <i>See Fish and shellfish.</i>	
Flavors. <i>See Spices, flavors, and</i>		Shrimp, canned	17572
seasoning materials.		Sirup, cane	17554
Fruits and vegetables	¹ 17575-17586	sorghum	17554, 17555
fruit, canned	17575	Sorghum sirup	17554, 17555
frozen	¹ 17576, 17577	Spanish peanuts, shelled	17589
miscellaneous fruit product	17578	Spices, flavors, and seasoning ma-	
vegetables	17579-17586	terials	17598-17600
Greens, turnip, canned	17586	Spinach, canned	17582-17585
Herring roe, canned	17570	Strawberries, frozen	¹ 17576, 17577
Licorice paste	17552	Turkeys. <i>See Poultry.</i>	
Maple sugar candy	17550	Turnip greens, canned	17586
Nuts and nut products	17553, 17587-17591	Vegetables. <i>See Fruits and vege-</i>	
		tables.	

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allen Canning Co.:		Cortley Frosted Foods, Inc.:	
canned spinach	17582-17584	frozen strawberries	17577
Berry Brothers:		Crosse & Blackwell Co.:	
dressed poultry	17593	Old English plum pudding	17578
Brown, Lester, & Co.:		Davis, Clarence D., Inc.:	
candy	17548	cheese	17561
Cape King Fisheries, Inc.:		Delmarva Poultry Corp.:	
canned herring roe	17570	dressed poultry	17592
Cloverdale Cooperative Berry		Diamond State Poultry Co., Inc.:	
Assn.:		dressed poultry	17594
frozen strawberries	¹ 17576	Du-Bal Packing Co.:	
Cohen, Joe:		celery	17579
dressed poultry	17596	Dunnet, C. W., & Co.:	
Colameco, John:		butter	17557, 17558
grated cheese	17563		

¹ (17576) Prosecution contested.

	N. J. No.		N. J. No.
Ferrara Candy Co.:		Marlon Confections Corp.:	
candy-coated peanuts-----	17553	candy-----	17551
Floden-Button:		Mezick, W. G.:	
turkeys-----	17597	eggs-----	17565
Freedham Cooperative		Millard, Frederick:	
Creamery:		peanut butter-----	17591
butter-----	17558	Millard United Co.:	
Fresh Canning Co., Inc.:		peanut butter-----	17591
canned peas-----	17581	Moss Food Products Corp.:	
Gershuny, George:		black pepper-----	17598
peanut butter-----	17590	Newark Packing Co., Inc.:	
Gilman Cooperative Creamery:		peanut butter-----	17590
butter-----	17557	Pacific Fruit & Produce Co. <i>See</i>	
Goldenberg, Ben, Inc.:		Pacific Gamble Robinson Co.	
whole egg powder-----	17566	Pacific Gamble Robinson Co.:	
Haas Bros.:		celery-----	17579
canned oysters-----	17572	Partington, Kenneth:	
Higgins, Wm. A., & Co., Inc.:		peanut butter-----	17590
brazil nuts-----	17587	Pelican Lake Oyster & Packing	
Home Style Foods, Inc.:		Co., Ltd.:	
frozen crab cakes-----	17574	canned shrimp and canned	
Hunter, Walton & Co.:		oysters-----	17572
butter-----	17559	Pisila, Edward:	
Iwersen Canning Co.:		frozen strawberries----- ¹	17576
canned chopped clams-----	17573	Pomeroy Salt Corp.:	
Johnson, E. B., Co.:		salt-----	17600
shelled Spanish peanuts-----	17589	Prairie Farms Creameries:	
Jones, Jimmie:		butter-----	17560
sorghum sirup-----	17555	Rapp, Fred P., Inc.:	
Kersey Candy Co.:		oysters-----	17571
candy-----	17546	Rialto Food Products. <i>See</i> Cola-	
Koch, Robert:		meco, John.	
whole egg powder-----	17566	Riedl, M. J.:	
Kroger Co.:		peanut butter-----	17591
butter-----	17560	Robinson Canning Co.:	
Lakeview Dairy Products, Inc.:		canned spinach-----	17582
butter-----	17569	Rosenblum, J., & Sons:	
egg powder, whole-----	17568, 17569	whole egg powder-----	17567
Liverpool Salt Co.:		Russellville Canning Co.:	
salt-----	17600	canned spinach-----	17585
MacAndrews & Forbes Co.:		Silver Creek Creamery:	
licorice paste-----	17552	butter-----	17556
Maggio, S. F. <i>See</i> Maggio,		Smith, Ewing:	
Salvatore.		peanut butter-----	17590
Maggio, Salvatore:		Southland Frozen Foods, Inc.:	
cheese curd-----	17564	frozen strawberries-----	17577
Maplewood Packing Co.:		Spencer Food Co.:	
dressed poultry-----	17595	stuffed ripe olives-----	17580
Markham Bros. & Co.:			
canned turnip greens-----	17586		

¹ (17576) Prosecution contested.

	N. J. No.		N. J. No.
Strandquist Creamery:		Truesdell, P. S., Co.:	
butter-----	17559	candy-----	17547
Tolerton & Warfield Co.:		Vermont Confectionery Co.:	
peanuts-----	17588	maple sugar candy-----	17550
Tracy, J. C., & Co.:		Vineland Cheese Co.:	
canned prunes-----	17575	cheese curd-----	17564



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

Agriculture
Aliens
Atomic Energy
Aviation
Business Credit
Communications
Customs
Fair Trade Practice
Food and Drugs
Foreign Relations and Trade
Housing
Labor Relations

Marketing
Military Affairs
Money and Finance
Patents
Public Contracts
Public Lands
Securities
Shipping
Social Security
Taxation
Transportation
Utilities
Veterans' Affairs
Wages and Hours

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED
ON REQUEST TO THE FEDERAL REGISTER, NATIONAL
ARCHIVES, WASHINGTON 25, D. C.

*Order from the Superintendent of Documents, United
States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17601-17650

FOODS

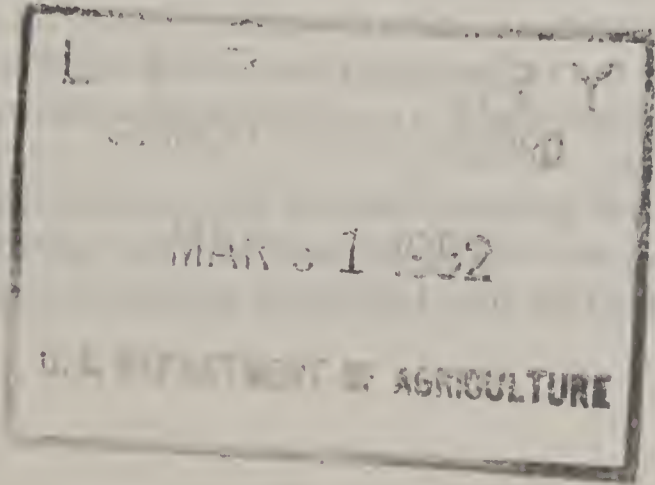
The cases reported herewith were instituted in the United States District courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 11, 1951.*

CONTENTS

	Page		Page
Beverages and beverage materials.....	294	Fish and shellfish.....	303
Candy.....	295	Fruits and vegetables.....	304
Cereals and cereal products.....	297	Canned fruit.....	304
Flour.....	297	Frozen fruit.....	305
Miscellaneous cereals and cereal		Jam and jelly.....	307
products.....	298	Vegetables.....	314
Dairy products.....	299	Tomato products.....	316
Butter.....	299	Poultry.....	320
Cheese.....	300	Spices, flavors, and seasoning ma-	
Eggs.....	301	terials.....	321
Feeds and grains.....	301	Index.....	322



BEVERAGES AND BEVERAGE MATERIALS

17601. Action to enjoin and restrain the interstate shipment of adulterated beer. U. S. v. Minneapolis Brewing Co. Consent decree of permanent injunction entered. (Inj. No. 239.)

COMPLAINT FILED: November 15, 1951, District of Minnesota, against the Minneapolis Brewing Co., a corporation, Minneapolis, Minn.

NATURE OF CHARGE: That the defendant was engaged in the manufacture and interstate distribution of beer, and had been and was at the time of filing the complaint causing the introduction and the delivering for introduction into interstate commerce of beer which was adulterated under Sections 402 (a) (3) and (4), in that it consisted in whole or in part of filthy substances by reason of the use of filthy and contaminated raw materials, such as malt, brewers rice, and corn grits, which were infested by live and dead insects, insect webbing, insect trails, moths, live pupae, worms, live larvae, live beetles, beetle-like insects, and other filthy and unwholesome substances; and, in addition, the beer had been and was being prepared, packed, and held under insanitary conditions at the defendant's plant whereby it may have become contaminated with filth.

The insanitary conditions in the plant resulted from and consisted of the presence of clumps of insect webbing, insect trails, live and dead insects, insect filth, live moths, live pupae, live larvae, live beetles, worms, and other filthy and unwholesome substances in and around old wooden storage bins and planking where the raw materials which go into the finished article of food were stored and held; in and around conveyers used to fill the storage bins with the raw materials; and in and around places in the plant where the beer was being prepared, packed, and held. The insanitary conditions resulted also from general carelessness whereby the beer prepared, packed, and held in the defendant's plant was subjected to contamination.

The complaint alleged further that the defendant had on hand at its warehouse a large quantity of beer which was adulterated by reason of being manufactured from filthy and contaminated raw material, by reason of being prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth, and by reason of newer brews of beer having been mixed with older brews of beer which had been manufactured, processed, and prepared from filthy and contaminated raw materials, and which had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth; and, further, that a substantial proportion of this beer in the usual and ordinary course of business would be shipped into interstate commerce. The complaint alleged further, on information and belief, that the defendant would continue to ship and cause to be shipped into interstate commerce adulterated beer unless restrained by the court.

DISPOSITION: On November 16, 1951, the defendant having consented to the entry of a decree, a permanent injunction was entered enjoining and restraining the defendant and all persons acting on its behalf from introducing, or delivering for introduction into interstate commerce, beer or any other such article of food which was adulterated within the meaning of Sections 402 (a) (3) and (4).

The decree provided further that the defendant and all persons acting on its behalf be perpetually enjoined and restrained from introducing or delivering for introduction into interstate commerce any beer or any other such article

of food which the defendant at that time had on hand and stored and held at its plant, which was adulterated within the meaning of Sections 402 (a) (3) and (4).

17602. Adulteration of coffee. U. S. v. 200 Bags, etc. (F. D. C. No. 30891. Sample Nos. 17960-L to 17962-L, incl.)

LIBEL FILED: April 4, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about October 24, 1949, and February 1, 1950, from Brazil.

PRODUCT: Coffee. 200 132-pound bags and 45 130-pound bags in possession of the West Coast Warehouse Corp., Long Beach, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect excreta, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 19, 1951. Dalton Coffee Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of reconditioning, repacking, and reprocessing, under the supervision of the Federal Security Agency. Salvage operations resulted in the release of 22,331 pounds of good coffee; 9,324 pounds were destroyed.

17603. Adulteration of tea. U. S. v. 10 Cases * * *. (F. D. C. No. 30499. Sample No. 18731-L.)

LIBEL FILED: January 25, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about November 19, 1950, by Fung Yee Lung, from Hong Kong, China.

PRODUCT: 10 cases, each containing 75 5½-ounce packages, of tea at Los Angeles, Calif.

LABEL, IN PART: "Woo Lung Tea."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 21, 1951. Default decree of condemnation and destruction.

CANDY

17604. Adulteration of candy. U. S. v. 42 Boxes * * *. (F. D. C. No. 30850. Sample No. 5130-L.)

LIBEL FILED: March 27, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about February 2, 1951, by the Liberty Chocolate Co., from Boston, Mass.

PRODUCT: 42 boxes of candy at Newport, R. I.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 26, 1951. Default decree of condemnation and destruction.

17605. Adulteration of candy Easter eggs. U. S. v. 190 Boxes, etc. (F. D. C. No. 30857. Sample Nos. 10967-L to 10971-L, incl.)

LIBEL FILED: March 21, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about February 16, 1951, by E. W. McDonnell, Inc., from Cincinnati, Ohio.

PRODUCT: 480 ½-pound boxes, 686 12-ounce boxes, and 142 2-ounce boxes of candy Easter eggs at Covington, Ky.

LABEL, IN PART: (Portions) "Opera Cream Egg One-Half Lb. Net Weight," "Chocolate Easter Egg," "Cocoanut," "Chocolate Easter Egg * * * Opera Cream," and "Shafer's Hand Rolled Cocoanut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 23, 1951. Default decree of condemnation and destruction.

17606. Misbranding of candy cigarettes. U. S. v. 16 Cases * * *. (F. D. C. No. 30171. Sample No. 77656-K.)

LIBEL FILED: December 1, 1950, Eastern District of Missouri; amended libel filed December 26, 1950.

ALLEGED SHIPMENT: On or about October 4 and 20, 1950, by the Star Chocolate Corp., from New York, N. Y.

PRODUCT: 16 cases, each containing 24 cartons, each carton containing 24 packages, of chocolate cigarettes at St. Louis, Mo.

LABEL, IN PART: "Chesterfriend," "Lucky Star," or "Camels."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since four additional chocolate cigarettes could easily be placed in each package. (The article was contained in packages the size of a package of 20 cigarettes. The packages contained 8 sweet chocolate cigarettes, whereas 12 could easily be placed in each package.)

DISPOSITION: January 15, 1951. The Star Chocolate Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was repackaged to contain 12 cigarettes in each package.

17607. Misbranding of Swiss milk chocolate bars. U. S. v. 90 Bars, etc. (F. D. C. No. 30852. Sample No. 23973-L.)

LIBEL FILED: On or about March 30, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about January 18, 1951, by Barton, Inc., from Brooklyn, N. Y.

PRODUCT: 90 2½-ounce bars, 35 5½-ounce bars, and 18 8-ounce bars of milk chocolate at Newark, N. J.

LABEL, IN PART: (Bar) "Barton's bonbonniere De Luxe Swiss Milk Chocolate."

NATURE OF CHARGE: Misbranding, Section 403 (a), the general design of the label and the label statements "Swiss Milk Chocolate * * * are made of the finest selected cocoa beans, blended according to original Swiss recipes. * * * Barton's Famous Continental Chocolates" were false and misleading

since they represented and suggested that the article was prepared from chocolate made in Switzerland, whereas it had been prepared from chocolate of domestic manufacture.

DISPOSITION: July 2, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution after the labels had been destroyed and the product had been inspected by the Food and Drug Administration to determine whether it was, at the time, fit for human consumption.

CEREALS AND CEREAL PRODUCTS

FLOUR

17608. Adulteration and misbranding of flour. U. S. v. Packard Milling Co., a corporation, and Frank A. Gyles and Wilson Gyles. Pleas of nolo contendere. Corporation fined \$275; each individual defendant fined \$5. (F. D. C. No. 30103. Sample Nos. 88325-K to 88327-K, incl.)

INFORMATION FILED: April 10, 1951, Northern District of Texas, against the Packard Milling Co., a corporation, Hereford, Tex., and Frank A. Gyles and Wilson Gyles, president and vice president, respectively, of the corporation.

ALLEGED SHIPMENT: On or about October 12, 1950, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "50 Lbs. Net Cream Loaf Flour Enriched 8 Oz. enriched flour contains not less than the following proportions of the minimum daily requirements of: Thiamine 100%," "5 Lbs. Net Texas Wonder Whole Wheat Flour," or "2 Lbs. Net Packard's Best Flour Enriched Extra High Patent."

NATURE OF CHARGE: Adulteration (Cream Loaf flour enriched and Texas Wonder whole wheat flour), Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, live insects, rodent hairs and fragments, live beetles, larvae, larval head capsules, pupae, and dead beetles; and (all lots), Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding (Cream Loaf flour enriched and Packard's Best flour enriched), Section 403 (g) (1), the products failed to conform to the definition and standard for enriched flour since they contained in each pound less than 2.0 milligrams of thiamine, the minimum permitted by the standard.

DISPOSITION: June 18, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$275 against the corporation and a fine of \$5 against each individual defendant.

17609. Adulteration of flour. U. S. v. 78 Bags * * *. (F. D. C. No. 31012. Sample No. 13612-L.)

LIBEL FILED: May 24, 1951, District of Idaho.

ALLEGED SHIPMENT: On or about March 19 and April 27, 1951, from Ogden, Utah.

PRODUCT: 78 50-pound bags of flour at Pocatello, Idaho, in possession of Zion's Wholesale Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under

insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 21, 1951. Default decree of condemnation and destruction. On July 11, 1951, an amended decree of condemnation was entered and the marshal was ordered to denature the product and to sell it for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

17610. Adulteration of corn flakes and cane sugar. U. S. v. 14 Bags, etc. (F. D. C. No. 31000. Sample Nos. 31075-L, 31076-L.)

LIBEL FILED: May 16, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 11 and October 24, 1950, from Gramercy, La., and Milwaukee, Wis.

PRODUCT: 14 50-pound bags of corn flakes and 5 100-pound bags of cane sugar at Savannah, Tenn., in the possession of the Rhodes Candy Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 19, 1951. Default decree of condemnation and destruction.

17611. Adulteration of rolled oats. U. S. v. 26 Bags * * *. (F. D. C. No. 31003. Sample No. 15083-L.)

LIBEL FILED: May 24, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about March 31, 1951, from Davenport, Iowa.

PRODUCT: 26 50-pound bags of rolled oats at Omaha, Nebr., in the possession of Dad's Cookie Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 27, 1951. Default decree of condemnation and destruction.

17612. Adulteration of unpopped popcorn. U. S. v. 16 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 30784, 30785. Sample Nos. 11864-L, 11866-L, 11867-L.)

LIBELS FILED: February 28, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about January 17, 23, and 26, and February 2, 1951, by the Wyandot Popcorn Co., from Marion, Ohio.

PRODUCT: Unpopped popcorn. 16 50-pound bags at Lexington, Ky., and 9 50-pound bags at Paris, Ky.

LABEL, IN PART: (Bag) "Rich in Flavor X-30."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: April 2, 1951. Default decrees of condemnation and destruction.

17613. Adulteration of unpopped popcorn. U. S. v. 9 Bags * * *. (F. D. C. No. 30803. Sample Nos. 999-L, 1000-L.)

LABEL FILED: February 23, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about January 5 and 12, 1951 by the Wyandot Popcorn Co., from Marion, Ohio.

PRODUCT: 9 50-pound bags of unpopped popcorn at Silver Springs, Fla.

LABEL, IN PART: (Bag) "Rich in Flavor X-30."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 14, 1951. Default decree of condemnation. The court ordered that in lieu of destruction, the product be delivered to a public institution, for use as animal feed only, and not for human consumption.

17614. Adulteration of rice. U. S. v. 16 Bags * * *. (F. D. C. No. 31010. Sample No. 13396-L.)

LABEL FILED: May 22, 1951, District of Idaho.

ALLEGED SHIPMENT: On or about December 5, 1950, from Gueydan, La.

PRODUCT: 16 100-pound bags of rice at Pocatello, Idaho, in the possession of Associated Foods, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 21, 1951. Default decree of condemnation and destruction. On July 11, 1951, an amended decree of condemnation was entered, and the marshal was ordered to denature the product and to sell it for use as animal feed.

DAIRY PRODUCTS

BUTTER

17615. Adulteration of butter. U. S. v. Farmers Cooperative Creamery. Plea of guilty. Fine, \$500. (F. D. C. No. 30572. Sample No. 91115-K.)

INFORMATION FILED: March 29, 1951, District of Minnesota, against the Farmers Cooperative Creamery, a corporation, Jackson, Minn.

ALLEGED VIOLATION: On or about September 20, 1941, the defendant gave to a firm engaged in the business of shipping butter in interstate commerce, at Minneapolis, Minn., a guaranty to the effect that butter delivered by the defendant under the guaranty would not be adulterated. On or about October 19, 1950, the defendant caused to be shipped and delivered to the holder of the guaranty, at Minneapolis, Minn., a number of boxes of butter that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of beetle heads, insect fragments, manure, setae, mites, rodent hairs, and sediment, and by reason of the use of filth-contaminated cream in the preparation of the product.

DISPOSITION: June 25, 1951. A plea of guilty having been entered, the court imposed a fine of \$500.

17616. Adulteration of butter and cheese. U. S. v. Emma Creamery Co. Plea of nolo contendere. Fine of \$900, plus costs. (F. D. C. No. 30571. Sample Nos. 41997-K, 42000-K, 77901-K to 77903-K, incl., 77921-K, 77922-K.)

INFORMATION FILED: May 24, 1951, Western District of Missouri, against the Emma Creamery Co., a corporation, Emma, Mo.

ALLEGED VIOLATION: On or about June 22, 1942, the defendant, at Emma, Mo., gave to a firm engaged in the business of shipping cheese in interstate commerce, at Springfield, Mo., a guaranty to the effect that no cheese shipped or delivered by the defendant to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about August 22, 23, 25, and 31, and September 5, 1950, the defendant delivered under the guaranty various quantities of cheese which were adulterated.

On or about October 6, 1947, the defendant, at Emma, Mo., gave to a firm at Chicago, Ill., a similar guaranty with respect to butter and other foods; and on or about August 23, 1950, the defendant delivered under the guaranty a quantity of butter which was adulterated.

NATURE OF CHARGE: Butter, count 1. Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Cheese, counts 2 to 6, incl. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, plant fragments, manure fragments, and cow hairs, and by reason of the use of filth-contaminated milk in the preparation of the product.

DISPOSITION: August 17, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$900, plus costs.

CHEESE*

17617. Adulteration of cheese. U. S. v. 1 Case * * *. (F. D. C. No. 30988. Sample No. 13105-L.)

LIBEL FILED: June 8, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about May 25, 1951, by the Uddo & Taormina Corp., from New Orleans, La.

PRODUCT: 1 case containing 35 pounds of cheese at Denver, Colo.

LABEL, IN PART: "16 Prs. Boccini Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: July 18, 1951. Default decree of condemnation and destruction.

17618. Adulteration of Swiss cheese. U. S. v. Albert Goetz (Red Oak Dairy). Plea of guilty. Fine of \$500, plus costs. Fine suspended for period of 5 years and defendant ordered to pay costs immediately. (F. D. C. No. 30061. Sample No. 57596-K.)

INFORMATION FILED: April 9, 1951, Northern District of Illinois, against Albert Goetz, trading as the Red Oak Dairy, Red Oak, Ill.

ALLEGED SHIPMENT: On or about May 24, 1950, from the State of Illinois into the State of Wisconsin.

*See also No. 17616.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the use of filth-contaminated milk in the preparation of the product; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 15, 1951. A plea of guilty having been entered, the court imposed a fine of \$500, plus costs, and suspended the fine for a period of 5 years, but ordered the costs paid immediately.

17619. Adulteration of cottage cheese. U. S. v. John H. Costello (Costello's Mendota Creamery). Plea of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 30111. Sample Nos. 77574-K, 77575-K.)

INDICTMENT FILED: October 11, 1951, Northern District of Illinois, against John H. Costello, trading as Costello's Mendota Creamery, Mendota, Ill.

ALLEGED SHIPMENT: On or about October 10 and 11, 1950, from the State of Illinois into the State of Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the use of dirty milk in the preparation of the product and the presence therein of manure fragments.

DISPOSITION: November 26, 1951. A plea of guilty having been entered, the court imposed a fine of \$1,000, plus costs.

EGGS

17620. Adulteration of frozen eggs. U. S. v. 90 Cans * * *. (F. D. C. No. 30935. Sample No. 2971-L.)

LIBEL FILED: April 18, 1951, District of Columbia.

PRODUCT: 90 30-pound cans of frozen eggs at Washington, D. C. This product was in interstate commerce in the District of Columbia, and was stored in a warehouse to the account of Capital Egg Products, Inc., Washington, D. C.

LABEL, IN PART: (Tag) "Capital Egg Products, Inc., Washington, D. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: May 14, 1951. Capital Egg Products, Inc., a Delaware corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation under the supervision of the Federal Security Agency. Segregation operations resulted in the release of 71 cans of eggs which were passable and in the denaturing of 19 cans which were decomposed. The unfit cans of eggs were delivered to a public institution, for use as animal feed.

FEEDS AND GRAINS

17621. Adulteration of fish meal. U. S. v. Carstens Packing Co., a corporation, and Thomas Carstens and Clarence E. Beckwith. Pleas of guilty. Corporation fined \$1,500; each individual fined \$300. (F. D. C. No. 30599. Sample Nos. 32543-K, 38082-K, 78882-K.)

INFORMATION FILED: July 25, 1951, Western District of Washington, against the Carstens Packing Co., a corporation, Tacoma, Wash., and Thomas Carstens, vice president, and Clarence E. Beckwith, plant manager.

ALLEGED VIOLATION: On or about June 8 and November 9, 1949, and January 26, 1950, the defendants gave to firms engaged in the business of shipping fish meal in interstate commerce, at Seattle and Tacoma, Wash., guaranties to the effect that fish meal sold by the defendants would not be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 8 and November 9, 1949, and January 26, 1950, the defendants sold and delivered to the holder of the guaranties, at Seattle and Tacoma, Wash., quantities of fish meal that were adulterated.

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (b) (2), a product containing blood meal, soybean meal, cottonseed meal, and urea had been substituted for fish meal; and, Section 402 (b) (4), urea had been added, mixed, and packed with the product so as to make it appear better or of greater value than it was, namely, to make it appear to contain a larger percentage of protein than it actually contained.

Count 3. Adulteration, Section 402 (b) (2), a product containing soybean meal, cottonseed meal, limestone, and bonemeal had been substituted for fish meal.

Count 5. Adulteration, Section 402 (b) (2), a product containing cottonseed meal and blood meal had been substituted for fish meal.

Counts 2 and 4 were dismissed on motion of the Government.

DISPOSITION: August 15, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,500 against the corporation and a fine of \$300 against each individual defendant.

17622. Misbranding of dog and cat food. U. S. v. Cousins VirDel, Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 30107. Sample Nos. 58810-K, 84481-K.)

INFORMATION FILED: April 5, 1951, Eastern District of Michigan, against Cousins VirDel, Inc., a corporation, South Lyon, Mich.

ALLEGED SHIPMENT: On or about August 21 and September 6, 1950, from the State of Michigan into the States of Illinois and Ohio.

LABEL, IN PART: "Dinner Bell Dog Rations * * * Packed for Michigan Dog Food Sales Company, Center Line, Michigan * * * Analysis Protein, minimum 12.5% * * * Contents 15½ oz." or "Ninety Percent Horse Meat Dog & Cat Food * * * for All Breeds of Dogs * * * Analysis Protein, Min. 17% * * * Cousins VirDel, Inc."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Protein, minimum 12.5%" and "Protein, Min. 17%" were false and misleading since the products contained less than the declared percentages of protein.

DISPOSITION: May 18, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

17623. Misbranding of Hess' condensed buttermilk for brood sows and laying hens. U. S. v. 10 Drums, etc. (F. D. C. No. 30817. Sample No. 19377-L.)

LIBEL FILED: February 23, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about January 12, 1951, from Omaha, Nebr.

PRODUCT: 10 drums, each containing 100 pounds, of Hess' condensed buttermilk at Miles, Iowa, together with a number of circulars.

RESULTS OF INVESTIGATION: The circulars were entitled "Hess' Brand Condensed Buttermilk," and were delivered to the consignee by Donald Hess of

the Hess Condensed Buttermilk Co., Jesop, Iowa, about September 1950. A copy of these circulars was handed to purchasers.

LABEL, IN PART: (Drum) "Hess' Condensed Buttermilk For Brood Sows and Laying Hens."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars accompanying the article were false and misleading. These statements represented and suggested that the article was effective in the prevention and treatment of the disease of pigs known as "necro" or necrotic enteritis, whereas the article was not effective in the prevention and treatment of such disease. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 4, 1951. Default decree of condemnation. The court ordered that in lieu of destruction, the article be sold to the highest bidder, conditioned that it not be sold or otherwise disposed of in contravention of any law, and that it be disposed of solely for animal consumption. The court ordered further that the circulars accompanying the article be destroyed.

FISH AND SHELLFISH

17624. Misbranding of canned tuna. U. S. v. 13 Cases * * *. (F. D. C. No. 30920. Sample No. 23705-L.)

LIBEL FILED: April 13, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about March 22, 1951, by Wilbur-Ellis Co., Inc., from New York, N. Y.

PRODUCT: 13 cases, each containing 48 cans, of tuna at New Haven, Conn.

LABEL, IN PART: (Can) "Southern Seas Light Meat Tuna Contents 13 Ozs. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The product was short of the declared weight.

DISPOSITION: July 20, 1951. Wilbur-Ellis Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

17625. Adulteration of canned shrimp. U. S. v. 350 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 28309 to 28313, incl. Sample No. 45184-K.)

LIBELS FILED: November 23, 1949; amended November 30, 1949.

ALLEGED SHIPMENT: On or about October 18, 1949, by the Southland Canning & Packing Co., from New Orleans, La.

PRODUCT: Canned Shrimp. 550 cases at St. Paul, Minn., and 300 cases at Minneapolis, Minn. Each case contained 24 5-ounce cans.

LABEL, IN PART: "Gulf Belle Brand Small Shrimp Wet Pack Drained Weight 5 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: July 19, 1950. The Brignac Canning Co., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond,

conditioned that the unfit portion be segregated under the supervision of the Food and Drug Administration. Segregation operations resulted in the destruction of 7 cases and 2 cans of the product.

17626. Adulteration of frozen shrimp. U. S. v. 592 Cases * * *. (F. D. C. No. 29984. Sample Nos. 85730-K, 85734-K.)

LIBEL FILED: November 6, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 19, 1950, from Aransas Pass, Tex.

PRODUCT: 592 cases, each containing 10 5-pound cartons, of frozen shrimp at Independence, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 31, 1951. Fortuna Foods, Inc., a California corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit portion from the unfit portion and that the unfit portion be converted into fish bait, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

CANNED FRUIT

17627. Adulteration of canned cherries. U. S. v. 24 Cases * * *. (F. D. C. No. 30894. Sample No. 28901-L.)

LIBEL FILED: April 5, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 17, 1951, by North Pacific Cannery & Packers, Inc., from Portland, Oreg.

PRODUCT: 24 cases, each containing 6 6-pound, 7-ounce cans, of red, sour, pitted cherries at Ellenville, N. Y.

LABEL, IN PART: (Can) "Royal Garnet Brand Red Sour Pitted Cherries Packed in Water * * * Packed By Producers Cooperative Packing Company Salem, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: May 2, 1951. Default decree of condemnation and destruction. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

17628. Adulteration of canned mandarin oranges. U. S. v. 43 Cases * * *. (F. D. C. No. 31007. Sample No. 29026-L.)

LIBEL FILED: June 5, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about February 15, 1951, by Mozaki & Co., Ltd., from Tokyo, Japan.

PRODUCT: 43 cases, each containing 24 1-pound, 14-ounce cans, of mandarin oranges at Portland, Oreg.

LABEL, IN PART: "S & W Mandarin Oranges In heavy syrup Product of Occupied Japan."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 5, 1951. Default decree of condemnation and destruction.

17629. Misbranding of canned peaches. U. S. v. 93 Cases * * *. (F. D. C. No. 30940. Sample Nos. 23272-L, 23273-L.)

LIBEL FILED: April 27, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about March 3, 1951, by George Noroian Co., from Dinuba, Calif.

PRODUCT: 93 cases, each containing 24 1-pound, 14-ounce cans, of peaches at New York, N. Y.

LABEL, IN PART: (Can) "Connoisseur JW Fancy Halves Nectar Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the product failed to bear, as required by the regulations prescribing a definition and standard of identity for canned peaches, the name of the optional peach ingredient and the name of the optional packing medium present in the product. The label bore the statement "Nectar Peaches In Extra Heavy Syrup," whereas the peach ingredient was white freestone peaches and the packing medium was heavy sirup.

DISPOSITION: June 5, 1951. Jules Weber, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, so as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

17630. Misbranding of canned pears. U. S. v. 271 Cases * * *. (F. D. C. No. 30756. Sample Nos. 4873-L, 4878-L, 28452-L.)

LIBEL FILED: March 15, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 5, 1951, by Hunt Foods, Inc., from Alameda, Calif.

PRODUCT: 271 cases, each containing 24 1-pound, 13-ounce cans, of pears at Charlestown, Mass.

LABEL, IN PART: (Can) "Hunt's Halves Bartlett Pears In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product failed to comply with the standard of fill of container for canned pear halves since it did not contain the maximum quantity of pear halves which could be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient, as the standard specifies; and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: July 24, 1951. Hunt Foods, Inc., Fullerton, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and relabeling of the misbranded cans, under the supervision of the Federal Security Agency.

FROZEN FRUIT

17631. Adulteration of frozen fruit. U. S. v. 300 Cans * * * (and 9 other seizure actions). (F. D. C. Nos. 20858, 21043, 21130, 21168, 21215, 21216, 21231, 21236, 21687, 22200. Sample Nos. 1689-H, 1692-H, 1947-H, 1973-H, 50997-H, 50999-H, 53090-H, 57208-H, 57430-H, 60725-H.)

LIBELS FILED: September 9 and 25, October 5, 9, 10, 11, and 15, and November 26, 1946, and January 23, 1947, Western District of New York, Eastern and Middle Districts of North Carolina, District of Minnesota, Northern District

of Ohio, Eastern District of South Carolina, District of Rhode Island, and District of Massachusetts.

ALLEGED SHIPMENT: On or about March 19, April 3 and 8, May 2, July 9, 11, and 20, August 11, and September 10, 1946, by the Sunshine Packing Corp., from North East, Pa.

PRODUCT: 200 32-pound cans of sliced strawberries at Rochester, N. Y.; 140 32-pound cans of sliced strawberries at Greensboro, N. C.; 1,125 32-pound cans of sliced strawberries at Minneapolis, Minn.; 300 30-pound cans of black raspberries at Cleveland, Ohio; 225 32-pound cans of sliced strawberries at Wake Forest, N. C.; 5 45-pound cans of black raspberry puree and 13 45-pound cans of strawberry puree at Charleston, S. C.; 36 45-pound cans of strawberry puree at Newport, R. I.; 15 45-pound cans of strawberry puree at Middletown, R. I.; and 95 30-pound cans of black raspberries at Springfield, Mass.

LABEL, IN PART: (Carton) "Strawberry Puree"; (can) "St. Berry Puree Spec. Process," "Fancy Sliced Strawberries Sugar Packed," "Fancy Black Raspberries Packed in Syrup," and "Black Rasp. Puree Sugar Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of decomposed strawberry material or raspberry material.

DISPOSITION: The above cases were consolidated for trial in the Northern District of Ohio, and on August 7, 1950, the Sunshine Packing Corp., North East, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered which covered all of the articles except the 225 32-pound cans of sliced strawberries located at Wake Forest, N. C. The court ordered that the articles located at Charleston, S. C., and Newport and Middletown, R. I., be destroyed at once, and that the articles located at Greensboro, N. C., Springfield, Mass., Rochester, N. Y., Minneapolis, Minn., and Cleveland, Ohio, be released under bond to the claimant for segregation and bringing into compliance with the law in lieu of destruction, under the supervision of the Federal Security Agency.

On November 6, 1950, the Sunshine Packing Corp. having consented to the entry of a decree condemning the lot located at Wake Forest, N. C., judgment of condemnation was entered providing for disposition of the product in the same manner as the goods that had been ordered released under the consolidated decree.

17632. Adulteration of frozen strawberries. U. S. v. 199 Cans * * *.
(F. D. C. No. 30991. Sample No. 11442-L.)

LIBEL FILED: June 11, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 12, 1951, by Frigid Food Products, Inc., from McKenzie, Tenn.

PRODUCT: 199 unlabeled cans, each containing 30 pounds, of frozen strawberries at Toledo, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

PROPOSITION: July 12, 1951. Default decree of condemnation and destruction.

17633. Adulteration of frozen strawberries. U. S. v. 106 Cases * * *.
(F. D. C. No. 30925. Sample No. 3365-L.)

LIBEL FILED: On or about April 16, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about February 26, 1951, by Southland Frozen Foods, Inc., from New York, N. Y.

PRODUCT: 106 cases, each containing 24 8-ounce cups, of frozen strawberries at Baltimore, Md.

LABEL, IN PART: (Cup) "Distributed By Cortley Frosted Foods Inc., N. Y.
* * * Whole Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: June 8, 1951. Default decree of condemnation and destruction.

JAM AND JELLY

17634. Alleged misbranding of jam. U. S. v. 62 Cases * * *. Tried before district court; judgment ordering libel dismissed and seized articles returned to claimant. Appeal by Government to circuit court of appeals; judgment of district court reversed and case ordered remanded. Claimant's petition to Supreme Court for writ of certiorari granted; judgment of court of appeals reversed and judgment of district court approved, ordering products delivered to claimant (87 F. Supp. 735, 183 F. 2d 1014 and 340 U. S. 593). (F. D. C. No. 26635. Sample Nos. 49220-K to 49225-K, incl.)

LIBEL FILED: On or about March 11, 1949, District of New Mexico.

ALLEGED SHIPMENT: On or about January 1949, by the Pure Food Mfg. Co., from Denver, Colo.

PRODUCT: 62 cases, each containing 6 5-pound, 2-ounce jars, of fruit jam of assorted flavors, at Raton, N. Mex.

LABEL, IN PART: "Delicious Brand Imitation * * * Jam."

NATURE OF CHARGE: Alleged misbranding, Section 403 (g) (1), the articles purported to be and were represented as fruit jams and failed to conform to the definitions and standards of identity for such jams since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the optional saccharine ingredients specified in the regulations; and the soluble-solids content of the articles was less than that specified by the definitions and standards of identity for jams. The articles were alleged to be misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: The Pure Food Mfg. Co., Denver, Colo., claimant, intervened and filed an answer admitting that the various jams were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient, that the soluble-solids content of the grape, strawberry, and blackberry jams was less than 68 percent, and that the soluble-solids content of the apricot, peach, and plum jams was less than 65 percent, but denied that the jams purported to be and were represented as fruit jams, for which definitions and standards of identity had been established. As an

affirmative defense, the claimant alleged that the jams were "imitation jams" and were so labeled, and that the interstate distribution of such foods was provided for by the Federal Food, Drug, and Cosmetic Act, citing and quoting Title 21 of the United States Code, Section 343 (c).

On August 9, 1949, the case came on for trial before the court in a stipulation of facts. Decision of the district court was reserved until October 20, 1949, on which date the court entered judgment for the claimant and ordered the products released. The following findings of fact and conclusions of law and opinions were handed down by the courts:

FINDINGS OF FACT

HATCH, *District Judge*: "1. This action was filed by the United States of America for the seizure and condemnation of an article of food consisting of 62 cases, more or less, each containing six jars of an article of food, assorted flavors, the individual jars being severally labelled in part as follows:

Net wt. 5 lbs. 2 oz. Delicious Brand Imitation Grape Jam
Net wt. 5 lbs. 2 oz. Delicious Brand Imitation Strawberry Jam
Net wt. 5 lbs. 2 oz. Delicious Brand Imitation Apricot Jam
Net wt. 5 lbs. 2 oz. Delicious Brand Imitation Plum Jam
Net wt. 5 lbs. 2 oz. Delicious Brand Imitation Peach Jam
Net wt. 5 lbs. 2 oz. Delicious Brand Imitation Blackberry Jam

"2. That the Pure Food Manufacturing Company of Denver, Colorado, manufactured said articles of food and shipped the same in interstate commerce from Denver, Colorado, to Charles Ilfeld Company of Raton, New Mexico, by truck of Charles Ilfeld Company on or about January 14, 1949.

"3. That said articles were in the possession of Charles Ilfeld Company at Raton, New Mexico, which is within the jurisdiction of this Court, when seized by the U. S. Marshal for the District of New Mexico, pursuant to order issued March 11, 1949, in response to libel of information filed with the U. S. District Court at Albuquerque, New Mexico.

"4. That said articles seized by the United States Marshal were 'food' within the meaning of the Federal Food, Drug and Cosmetic Act of 1938.

"5. That said articles seized have food value and are wholesome and are in every way fit for human consumption.

"6. That the Federal Security Administrator has promulgated definitions and standards for fruit preserves and jellies, which definitions and standards of identity were published all as set forth in section 29 of Service Regulatory Announcements, Food, Drug and Cosmetic No. 2, Rev. 1, dated December 28, 1948.

"7. That said Federal Security Administrator has not promulgated definitions and standards of identity for imitation fruit preserves and jellies.

"8. That said claimant, Pure Food Manufacturing Company, has manufactured and marketed products similar to the articles seized, through the ordinary and usual channels of trade, for at least a period of fifteen years prior to the commencement of this action.

"9. That the good faith of the Pure Food Manufacturing Company, claimant, in the manufacturing and marketing of products similar to the ones seized herein, is not challenged in this proceeding.

"10. That said product in question was and is generally sold by wholesale dealers to retail markets and grocery stores and resold to the consuming public, and that to such purchasers the product bore the label identical with the label of the article seized.

"11. That retailers advertise jams, preserves and jellies for sale and in filling telephone orders for same from housewives or other consumers, do frequently fill such orders with imitation jams and jellies similar to the products seized in this action and that such products bore the imitation label as hereinbefore set forth.

"12. That the contents of the products seized are identical with that stated on the label with the possible qualification that the twenty per cent pectin as as stated on the label may more accurately be described as a twenty per cent pectin solution.

"13. That the imitation jams and jellies so manufactured by claimant, Pure Food Manufacturing Company, and similar to the items seized in this action, are sold to the consuming public substantially lower priced than the genuine fruit products, manufactured in accordance with standards fixed as aforesaid.

"14. That a majority of the 5 lb. 2 oz. containers of imitation jams are sold and consumed by large families in lieu of butter or butter substitutes.

"15. That the articles of food in question do not comply with the definition and standard of identity for fruit preserves and jams and do not purport and are not represented to so comply with such standards.

"16. That the articles of food seized purport to be and are represented as imitation fruit preserves and purport to be nothing else and are represented as nothing else.

"17. That the articles of food seized are sold in interstate commerce without deception.

"18. That products similar to those seized were sold to various wholesalers and retailers within the State of New Mexico, and that some of the same products were later resold to hotels, restaurants, ranches and logging camps within the State of New Mexico; that at least on one menu in a hotel in the State of New Mexico the menu carried the words 'Jellies or preserves served with above orders'; that patrons of the hotel requesting such jellies or preserves were served a product similar and identical to the product seized in this proceeding, without disclosure by the hotel to patron that the article was an imitation jelly or preserve; and the patron had no opportunity of seeing or observing the label or knowing that he was eating and actually consuming an imitation product.

"19. That some imitation jellies and preserves have been served by some ranches and logging camps and to employees thereof; and that such employees ate and consumed such products without being informed that the same were imitation products and without an opportunity to see or observe the labels on the container.

"20. That the article of food here involved has the appearance of grape jam, strawberry jam, blackberry jam, apricot jam, peach jam, and plum jam for which definitions and standards of identity have been established.

"21. That the food here involved is made to taste like and does taste like grape jam, strawberry jam, blackberry jam, apricot jam, peach jam, and plum jam for which definitions and standards of identity have been established.

"22. That the food which is the subject of this proceeding is used by the consumer in place of, and as a substitution for, the fruit jams, grape, strawberry, blackberry, apricot, peach, and plum, for which definitions and standards of identity have been established."

CONCLUSIONS OF LAW

"1. The articles seized in the instant action are not misbranded under the Federal Food, Drug and Cosmetic Law of 1938.

"2. The articles seized are imitations of pure food preserves and as such are sanctioned in interstate commerce under section 343 (c) of Title 21 U. S. C.

"3. The labels on the seized articles conform in all respects with the requirements of Section 343 (c), Title 21 U. S. C.

"4. From the evidence adduced, the claimant is manufacturing and selling an article of food which is an imitation of a real article, namely, fruit preserves and jellies, and purports to be nothing else.

"5. The product seized does not purport to be nor is it represented as pure fruit preserves and jellies.

"6. That the primary purpose of the Federal Food, Drug, and Cosmetic Act is to protect the consuming public, the ultimate consumer.

"7. That the Federal Food, Drug, and Cosmetic Act is not intended primarily to protect the ultimate purchaser as distinguished from the ultimate consumer.

"8. That the word 'purport' as used in Section 403 (g) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C 343 (g)) should be construed to have its usual ordinary meaning.

"9. That where menus in public eating places and employer's private dining halls offer for sale or consumption a food which simulates a standardized food, without disclosing that such article is not the standardized food, such simulated food is represented to such patrons, guests and employees, as the standardized food.

"Since the articles seized are not misbranded, the government's action therefore cannot be maintained, and the articles of food seized under the decree of seizure dated March 11, 1949, must be restored to the claimant."

OPINION OF THE COURT

HATCH, *District Judge*: "The facts in this case are not in serious dispute. Practically all the findings made are based upon the agreements of counsel.

"Briefly, it may be stated that the article of food in question is an imitation jam. Jam is an article of food for which definitions and standards have been established.

"The question involved is mainly one of law. The government asserts that an article of food for which definitions and standards have been established cannot lawfully be imitated and sold as an imitation of such article of food, even though such imitation is properly labeled as an imitation. The contentions of the government are based upon Section 343 (g), Title 21 United States Code Annotated. This interpretation of sub-section (g) completely ignores sub-section (c). The statute reads in part as follows:

Section 343. *Misbranded Food*. A food shall be deemed to be misbranded

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

"It will be observed that sub-section (c) contains no exception of an article of food for which definitions and standards have been established. It plainly and clearly states an article to be misbranded 'if it is an imitation of another food.' The product in question is an imitation of another food. It does not pretend to be anything else. Sub-section (c) continues, 'unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated.' Again, the article involved meets this as well as every other requirement of this sub-section. The language is unequivocal, without exceptions, and is not obscured in doubt or ambiguity, unless there is read into it language and meaning not now therein contained.

"Any person reading sub-section (c) and even in connection with sub-section (g) would reasonably come to the conclusion that if the imitation of another food has a label bearing, in type of uniform size and prominence, the word 'Imitation' and immediately thereafter the name of the food imitated, such food so labeled would not be misbranded. Acting under such apparent, reasonable interpretation of the language of sub-section (c), the manufacturer has made and sold this article for years without any intent to violate the law. Claimant has sought to comply fully with every command of the statute. It is unnecessary to say that citizens have the right to rely upon the laws of the land as they are written and as reasonably interpreted. They should not be subjected to the hazards of administrative or judicial interpretation, extending restrictions of the law far beyond the plain meaning of the language used.

"If the law-making branch of government desires this particular statute to be given the construction for which the government contends, it would be a simple matter to insert in sub-section (c) an exception as to food for which definitions and standards have been established. No such appropriate language, indicating the legislative intention to make it impossible to imitate an article of food for which definitions and standards have been established, appears in sub-section (c).

"If sub-section (c) is to be amended to prevent imitation of an article of food for which definitions and standards have been established, the same should be done by legislative action in clear language easily read and understood by citizens, such as the claimant in this action, who seeks only to know the mandates of the statute in order that they may comply with the same. Such an extension of language should never be made by administrative action or judicial construction.

"Appropriate orders dismissing the libel and ordering the restoration of the articles seized may be prepared and entered."

The Government appealed to the Circuit Court of Appeals for the Tenth Circuit from the judgment of the district court, and on June 27, 1950, the circuit court of appeals, with one judge dissenting, reversed the district court and remanded the cause with instructions to enter a judgment for condemnation. The claimant petitioned the court of appeals for a rehearing, which was denied on July 22, 1950.

On October 16, 1950, the claimant filed a petition with the Supreme Court of the United States for a writ of certiorari, which was granted on November 27, 1950. The Supreme Court, agreeing in substance with the judgment of the district court, reversed the circuit court of appeals, and on March 27, 1951, with two judges dissenting, handed down the following opinion:

MR. JUSTICE FRANKFURTER: "The Federal Food, Drug, and Cosmetic Act authorizes the United States to bring a libel against any article of food which is 'misbranded' when using the channels of interstate commerce. Act of June 25, 1938, § 304, 52 Stat. 1040, 1044, 21 U. S. C. § 334. The Act defines 'misbranded' in the eleven paragraphs of § 403. 52 Stat. 1047-1048, 21 U. S. C. § 343. The question before us is raised by two apparently conflicting paragraphs.

"One of them, subsection (c), comes from the original Pure Food and Drug Act of 1906. Act of June 30, 1906, 34 Stat. 768, 770-771, § 8 (first paragraph concerning 'food,' and second proviso). It directs that a food shall be deemed 'misbranded' if it 'is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.' The other, subsection (g), was added to the enlargement of the statute in 1938. It condemns as 'misbranded' a product which 'purports to be or is represented as a food,' the ingredients of which the Administrator has standardized, if the product does not conform in all respects to the standards prescribed. The Administrator has authority to promulgate standards when in his judgment 'such action will promote honesty and fair dealing in the interest of consumers.' § 401, 52 Stat. 1046, 21 U. S. C. § 341.

"The proceeding before us was commenced in 1949 in the District Court for the District of New Mexico. By it the United States seeks to condemn 62 cases of 'Delicious Brand Imitation Jam,' manufactured in Colorado and shipped to New Mexico. The Government claims that this product 'purports' to be fruit jam, a food for which the Federal Security Administrator has promulgated a 'definition and standard of identity.' The regulation specifies that a fruit jam must contain 'not less than 45 parts by weight' of the fruit ingredient. 21 C. F. R. (1949 ed.) § 29.0. The product in question is composed of 55% sugar, 25% fruit, 20% pectin, and small amounts of citric acid and soda. These specifications show that pectin, a gelatinized solution consisting largely of water, has been substituted for a substantial proportion of the fruit required. The Government contends that the product is therefore to be deemed 'misbranded' under § 403 (g).

"On the basis of stipulated testimony the District Judge found that although the product seized did not meet the prescribed standards for fruit jam, it was 'wholesome' and 'in every way fit for human consumption.' It was found to have the appearance and taste of standardized jam, and to be used as a less expensive substitute for the standard product. In some instances, products similar to those seized were sold at retail to the public in response to telephone orders for 'jams,' and were served to patrons of restaurants, ranches and similar establishments, who had no opportunity to learn the quality of what they received. But there is no suggestion of palming off. The judge found that the labels on the seized jars were substantially accurate; and he concluded that since the product purported to be only an imitation fruit preserve and complied in all respects with subsection (c) of § 403 of the Act, it could not be deemed 'misbranded.' 87 F. Supp. 735.

"The Court of Appeals for the Tenth Circuit, one judge dissenting, reversed this judgment. 183 F. 2d 1014. It held that since the product seized closely resembled fruit jam in appearance and taste, and was used as a substitute for the standardized food, it 'purported' to be fruit jam, and must be deemed 'misbranded' notwithstanding that it was duly labeled an 'imitation.' The

court therefore remanded the cause with instructions to enter a judgment for condemnation. We granted certiorari, 340 U. S. 890, because of the importance of the question in the administration of the Federal Food, Drug, and Cosmetic Act.

"1. By the Act of 1906, 34 Stat. 768, as successively strengthened, Congress exerted its power to keep impure and adulterated foods and drugs out of the channels of commerce. The purposes of this legislation, we have said, 'touch phases of the lives and health of people which in the circumstances of modern industrialism, are largely beyond self-protection. Regard for these purposes should infuse construction of the legislation if it is to be treated as a working instrument of government and not merely as a collection of English words.' *United States v. Dotterweich*, 320 U. S. 277, 280. This is the attitude with which we should approach the problem of statutory construction now presented. But our problem is to construe what Congress has written. While we must be faithful to the purpose of the statute, we must remember that Congress expresses its purpose by words. It is for us to ascertain—neither to add nor to subtract, neither to delete nor to distort.

"2. Misbranding was one of the chief evils Congress sought to stop. It was both within the right and the wisdom of Congress not to trust to the colloquial or the dictionary meaning of misbranding, but to write its own glossary of the term. Concededly we are not dealing here with misbranding in its crude manifestations, what would colloquially be deemed a false representation. Compare §§ 403 (a), (b), (d), 52 Stat. 1047, 21 U. S. C. §§ 343 (a), (b), (d). Our concern is whether the article of food sold as 'Delicious Brand Imitation Jam' is 'deemed to be misbranded' according to §§ 403 (c) and (g) of the Federal Food, Drug, and Cosmetic Act of 1938.

"3. The controlling provisions of the Act are as follows:

Sec. 304. (a) [as amended by the Act of June 24, 1948, 62 Stat. 582] Any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, . . . shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found: . . .

Sec. 401. Whenever in the judgment of the [Administrator] such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container: . . . In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the [Administrator] shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label . . .

Sec. 403. A food shall be deemed to be misbranded . . .

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated . . .

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

"4. By §§ 401 and 403 (g), Congress vested in the Administrator the far-reaching power of fixing for any species of food 'a reasonable definition and standard of identity.' In *Federal Security Administrator v. Quaker Oats Co.*, 318 U. S. 218, we held that this means that the Administrator may, by regulation, fix the ingredients of any food, and that thereafter, a commodity cannot be introduced into interstate commerce which 'purports to be or is

represented as' the food which has been thus defined unless it is composed of the required ingredients. The administrator had prescribed the ingredients of two different species of food—'farina' and 'enriched farina.' The former was an exclusively milled wheat product; the latter included certain additional ingredients, one of which optionally could be vitamin D. The Quaker Oats Company marketed a product it called 'Quaker Farina Wheat Cereal Enriched with Vitamin D,' which did not conform to either standard. Because it contained an additional vitamin it was not 'farina'; because it lacked certain of the essential ingredients it could not be called 'enriched farina.' It was concededly a wholesome product, accurately labeled; but under the Administrator's regulations it could not be sold. We sustained the regulations, holding that Congress had constitutionally empowered the Administrator to define a food and had thereby precluded manufacturers—or courts—from determining for themselves whether some other ingredients would not produce as nutritious a product. 'The statutory purpose to fix a definition of identity of an article of food sold under its common or usual name would be defeated if producers were free to add ingredients, however wholesome, which are not within the definition.' 318 U. S. 232.

"5. Our decision in the Quaker Oats case does not touch the problem now before us. In that case it was conceded that although the Quaker product did not have the standard ingredients, it 'purported' to be a standardized food. We did not there consider the legality of marketing properly labeled 'imitation farina.' That would be the comparable question to the one now here.

"According to the Federal Food, Drug, and Cosmetic Act, nothing can be legally 'jam' after the Administrator promulgated his regulation in 1940, 5 Fed. Reg. 3554, 21 C. F. R. § 29.0, unless it contains the specified ingredients in prescribed proportion. Hence the product in controversy is not 'jam.' It cannot lawfully be labeled 'jam' and introduced into interstate commerce, for to do so would 'represent' as a standardized food a product which does not meet prescribed specifications.

"But the product with which we are concerned is sold as 'imitation jam.' Imitation foods are dealt with in § 403 (c) of the Act. In that section Congress did not give an esoteric meaning to 'imitation.' It left it to the understanding of ordinary English speech. And it directed that a product should be deemed 'misbranded' if it imitated another food 'unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.'

"In ordinary speech there can be no doubt that the product which the United States here seeks to condemn is an 'imitation' jam. It looks and tastes like jam; it is unequivocally labeled 'imitation jam.' The Government does not argue that its label in any way falls short of the requirements of § 403 (c). Its distribution in interstate commerce would therefore clearly seem to be authorized by that section. We could hold it to be 'misbranded' only if we held that a practice Congress authorized by § 403 (c) Congress impliedly prohibited by § 403 (g).

"We see no justification so to distort the ordinary meaning of the statute. Nothing in the text or history of the legislation points to such a reading of what Congress wrote. In § 403 (g) Congress used the words 'purport' and 'represent'—terms suggesting the idea of counterfeit. But the name 'imitation jam' at once connotes precisely what the product is: a different, an inferior preserve, not meeting the defined specifications. Section 403 (g) was designed to protect the public from inferior foods resembling standard products but marketed under distinctive names. See S. Rep. No. 361, 74th Cong., 1st Sess. 8-11. Congress may well have supposed that similar confusion would not result from the marketing of a product candidly and flagrantly labeled as an 'imitation' food. A product so labeled is described with precise accuracy. It neither conveys any ambiguity nor emanates any untrue innuendo, as was the case with the 'Bred Spred' considered by Congress in its deliberation on § 403 (g). See H. R. Rep. No. 2139, 75th Cong., 3d Sess. 5; House Hearings on S. 5, 74th Cong., 1st Sess. 46-47. It purports and is represented to be only what it is—an imitation. It does not purport nor represent to be what it is not—the Administrator's genuine 'jam.'

"In our anxiety to effectuate the congressional purpose of protecting the public, we must take care not to extend the scope of the statute beyond the point where Congress indicated it would stop. The Government would have

us hold that when the Administrator standardizes the ingredients of a food, no imitation of that food can be marketed which contains an ingredient of the original and serves a similar purpose. If Congress wishes to say that nothing shall be marketed in likeness to a food as defined by the Administrator, though it is accurately labeled, entirely wholesome, and perhaps more within the reach of the meager purse, our decisions indicate that Congress may well do so. But Congress has not said so. It indicated the contrary. Indeed, the Administrator's contemporaneous construction concededly is contrary to what he now contends. We must assume his present misconception results from a misreading of what was written in the Quaker Oats case.

"Reversed."

Mr. Justice DOUGLAS, with whom Mr. Justice BLACK concurs, dissenting: "The result reached by the Court may be sound by legislative standards. But the legal standards which govern us make the process of reaching that result tortuous to say the least. We must say that petitioner's 'jam' purports to be 'jam' when we read § 403 (g) and purports to be not 'jam' but another food when we read § 403 (c). Yet if petitioner's product did not purport to be 'jam,' petitioner would have no claim to press and the Government no objection to raise."

17635. Adulteration and misbranding of jelly. U. S. v. Dixie Preserves, Ltd. Plea of nolo contendere. Fine, \$450. (F. D. C. No. 30581. Sample Nos. 57857-K to 57859-K, incl., 57863-K, 57864-K, 67756-K, 71053-K, 71054-K, 86184-K, 86419-K.)

INFORMATION FILED: June 18, 1951, Southern District of California, against Dixie Preserves, Ltd., a corporation, Los Angeles, Calif.

ALLEGED SHIPMENT: Within the period from on or about April 4 to September 21, 1950, from the State of California into the Territory of Hawaii and the States of Idaho and Arizona.

LABEL, IN PART: "Dixie Brand Pure Jelly Quince [or "Currant," "Loganberry," "Red Raspberry," "Blackberry," or "Strawberry"] Dixie Preserves Ltd. Los Angeles Calif. Net Wt. 12 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, fruit juices, had been in part omitted from the products; and, Section 402 (b) (2), articles deficient in fruit juice had been substituted in whole or in part for quince, currant, loganberry, red raspberry, blackberry, and strawberry jellies.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for quince, currant, loganberry, red raspberry, blackberry, and strawberry jellies since the products were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients specified in the definition and standard.

DISPOSITION: August 6, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$450.

VEGETABLES

17636. Misbranding of canned asparagus. U. S. v. 74 Cases * * *. (F. D. C. No. 30904. Sample No. 1306-L.)

LIBEL FILED: April 9, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 31, 1951, by the A. & P. Tea Co., from Oakland, Calif.

PRODUCT: 74 cases, each containing 48 1-pound cans, of asparagus at Atlanta, Ga.

LABEL, IN PART: (Can) "Grade A A & P Green-Tipped and White Asparagus Spears."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Grade A" was false and misleading since the product was not Grade A.

DISPOSITION: May 9, 1951. Parrott & Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of bringing it into compliance with the law by relabeling, under the supervision of the Federal Security Agency. It was ordered that the labels contain no statement as to grade.

17637. Adulteration of canned green beans. U. S. v. 92 Cases, etc. (F. D. C. No. 31002. Sample Nos. 17061-L, 17062-L.)

LIBEL FILED: May 15, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about February 16, 1945, and June 27, 1946, from Baltimore, Md.

PRODUCT: 92 cases, each containing 24 1-pound, 3-ounce cans, and 472 cases, each containing 24 1-pound, 4-ounce cans, of green beans at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 12, 1951. The claimant having consented to the immediate destruction of the product, judgment of condemnation was entered and the court ordered that the product be destroyed.

17638. Adulteration of canned garbanzos (chick-peas). U. S. v. 93 Cases * * *. (F. D. C. No. 30906. Sample No. 1305-L.)

LIBEL FILED: On or about April 25, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 7 and 9, 1951, by the Northwestern Canning & Packing Co., from Seffner, Fla.

PRODUCT: 93 cases, each containing 24 15-ounce cans, of garbanzos (chick-peas) at Atlanta, Ga.

LABEL, IN PART: (Can) "Old Glory Improved * * * 'Flavor Pack' Fancy Garbanzos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: May 15, 1951. Default decree of condemnation. The court ordered that the product be destroyed or, in lieu of destruction, that it be delivered to a public institution, for use as animal feed.

17639. Adulteration of lentils. U. S. v. 368 Bags * * *. (F. D. C. No. 30890. Sample No. 24672-L.)

LIBEL FILED: April 3, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 1, 1950, from Argentina.

PRODUCT: 368 bags, each containing 149 pounds, of lentils at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 23, 1951. Ocean Commercial Co., Inc., a Delaware corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of bringing it into compliance with the law, under the supervision of the Federal Security Agency. The unfit portion was separated from the fit portion, resulting in the release of 54,049 pounds as fit and in the destruction of the remaining 970 pounds as unfit.

17640. Adulteration and misbranding of canned spinach. U. S. v. 25 Cases * * *. (F. D. C. No. 31006. Sample No. 31389-L.)

LIBEL FILED: May 18, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 23, 1951, by the Van Buren Canning Co., from Van Buren, Ark.

PRODUCT: 25 cases, each containing 6 6-pound, 2-ounce cans, of spinach at St. Louis, Mo.

LABEL, IN PART: "Gooding's Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned spinach since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: June 18, 1951. Default decree of condemnation and destruction.

TOMATO PRODUCTS

17641. Adulteration of tomato catsup. U. S. v. 105 Cases * * * (and 1 other seizure action). Cases transferred to Southern District of Indiana for trial; cases ordered returned to Eastern District of Missouri for lack of jurisdiction of District Court for Southern District of Indiana. Claimant's petitions to circuit court of appeals for writ of mandamus and to Supreme Court for writ of certiorari denied. Product condemned and ordered destroyed. (F. D. C. Nos. 28403, 28632. Sample Nos. 61169-K, 61170-K, 76703-K.)

LIBELS FILED: November 29, 1949, and January 6, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 31, October 27, and November 15, 1949, by the Fettig Canning Co., from Elwood, Ind.

PRODUCT: 416 cases, each containing 24 14-ounce cans, of tomato catsup at St. Louis, Mo.

LABEL, IN PART: "Mary's Choice Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence therein of decomposed tomato material.

DISPOSITION: On January 11, 1950, on motion of the Fettig Canning Co., claimant, the cases were transferred to the Southern District of Indiana for trial. On January 10, 1951, the cases were consolidated for trial before a jury. On January 11, 1951, the court, on its own motion, ordered the cases remanded to the Eastern District of Missouri, Eastern Division, for lack of jurisdiction, after which the claimant filed a petition for a writ of mandamus in the United States Court of Appeals for the Seventh Circuit. That court, on January 17,

1951, entered a temporary order restraining the petitioner from remanding the two libels to the District Court for the Eastern District of Missouri. On March 21, 1951, the court denied the petition for a writ of mandamus and handed down the following opinion:

MAJOR, *Chief Judge*: "This matter is here by reason of an order heretofore entered by this court directing respondent, a Judge of the United States District Court for the Southern District of Indiana, to show cause why such court should not retain jurisdiction of the cases subsequently referred to. The show cause order issued in response to a petition for mandamus. Respondent, in answer to the petition, prayed that the relief requested be denied and the petition for mandamus dismissed. The cases are two actions brought by the the United States of America as libels of information in the United States District Court for the Eastern District of Missouri, Eastern Division, numbered 6863 and 6923, being entitled '*United States of America v. 311 cases Tomato Catsup*' and '*United States of America v. 105 cases of Tomato Catsup*.' The libels were instituted under Title 21 U. S. C. A. § 334, of the Federal Food, Drug, and Cosmetic Act, and the libeled goods were seized by the government within the jurisdiction of the Missouri District.

"Petitioner Fettig Canning Company appeared in that court as claimant of the seized products and requested that the actions be transferred to the Southern District of Indiana, under the provision of Title 28 U. S. C. A. § 1404 (a). The United States District Attorney for the Missouri District entered his consent and an order of transfer was accordingly entered. The seized goods were not transferred but remained in the jurisdiction of the Missouri court.

"The transfers were appropriately docketed by the Indiana court, claimant answered the informations and the cases thus being at issue were set for trial. A jury was empaneled and part of the government's evidence heard, when the court on its own motion ordered 'that the above causes, be and each cause is hereby remanded to the Eastern District of Missouri, Eastern Division, for lack of jurisdiction.' Thereupon, the jury was discharged but the order of remand was held in abeyance pending determination by this court of the question of the District Court's jurisdiction.

"Petitioner contends that the Missouri court, under Title 28 U. S. C. A. § 1404 (a), was authorized to make the transfers and that the Indiana court thereby acquired jurisdiction, and further, that the place of trial being one of venue rather than jurisdiction, no question can be raised in view of the fact that the parties consented to the Southern District of Indiana as the forum for trial. § 1404 (a), entitled 'Change of venue,' provides: 'For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division *where it might have been brought*.' [Italics ours.]

"The instant controversy turns entirely upon the scope to be given the italicized words. The libeled goods were introduced into commerce by petitioner at Elwood, Indiana, within the jurisdiction of the Southern District of that State, and shipped by it to a point within the Missouri District where they were seized. Petitioner contends that the libel actions might have been brought either in the District of Indiana wherein the shipment originated or in any other District through which the goods passed on their journey to Missouri, the place where they were seized. Respondent contends to the contrary, that is, that no action could have been brought prior to the time the goods were seized, and that the Missouri court was the only court which could or did acquire jurisdiction.

"Petitioner relies almost *in toto* upon the construction which the Supreme Court has placed upon § 1404 (a) in two recent decisions. *Ex Parte Collett*, 337 U. S. 55; *United States v. National City Lines*, 337 U. S. 78. In the *Collett* case, it was held that § 1404 (a) was applicable to actions under the Federal Employers' Liability Act, and in the *National City Lines* case, to civil suits by the government against corporations under the anti-trust laws. The controlling and determining factor, as we understand, in each of these cases was that the application of § 1404 (a) did not modify or alter the existing rights of the parties, in one instance the rights as fixed by the Federal Employers' Liability Act, and in the other case the rights as fixed by the anti-trust laws. In the *Collett* case, the court stated (page 59), 'Obviously, the express language gives

no clue as to where the action "might have been brought," and in sustaining the right of transfer the court stated (page 60), 'Section 1404 (a) does not limit or otherwise modify any right granted in § 6 of the Liability Act or elsewhere to bring suit in a particular district. An action may still be brought in any court, state or federal, in which it might have been brought previously.'

"In each case the transfer was to a District 'where it might have been brought.' There is nothing in these cases which holds or indicates that § 1404 (a) was or would be applicable in the absence of this essential factor. In other words, the question as to the District 'where it might have been brought' has been left untouched by these decisions, and the instant issue being whether the transferred actions were such as 'might have been brought' in the Indiana District, the cited Supreme Court decisions furnish little, if any, support to petitioner's contention.

"Title 21 U. S. C. A. § 334 (a), on which the involved actions were predicated, provides, 'Any article of food * * * that is adulterated or misbranded when introduced into or while in interstate commerce * * * shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found * * *.' [Italics ours.] A proviso of this paragraph provides for the transfer of cases under certain enumerated circumstances, none of which it is claimed or appear to be relevant to the instant situation.

"No authority need be cited for the proposition that the jurisdiction of a Federal court is limited to that which Congress has expressly conferred. In view of the plain and unambiguous directive contained in the provision above quoted (italicized), it is not discernible how jurisdiction could be acquired by a District Court other than the one in whose territory the adulterated or misbranded articles were found. Jurisdiction has been made to depend upon that incident. A libel proceeding is one in rem against the contraband article, which is treated as the offender. *Cf. Hipolite Egg Co. v. United States*, 220 U. S. 45, 57. The basis of all jurisdiction in rem is the court's actual or constructive possession; the res must be within the reach of the court. *United States v. Mack*, 295 U. S. 480, 484; *Strong v. United States*, 46 F. 2d 257, 260.

"We suppose it is true, as petitioner contends—at least, we assume that such is a fact—that the libeled articles were subject to seizure within the Southern District of Indiana, but even so, it is not apparent how this is of any aid to petitioner's position. Congress has not seen fit to make jurisdiction dependent upon where the seizure might have taken place but has expressly conferred jurisdiction upon the court of the District wherein the articles are found.

"Petitioner's contention fails to evaluate the nature of the action and that the offender is the res against which the action is aimed. A reading of the Act emphasizes the distinction which Congress has apparently drawn between actions in personam and those in rem. § 331 enumerates the prohibited acts, among which is 'the adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.' § 332 confers jurisdiction upon District Courts to restrain violations of § 331. § 333 provides that any person who violates any of the provisions of § 331 shall be guilty of a misdemeanor and subject to the penalties therein prescribed. Evidently both § 332 and § 333 are directed at the offending person and we suppose the District Court of Indiana or any court through whose District the libeled goods were carried would have jurisdiction under these sections. But when we come to § 334, the one here involved, the proceeding is directed at an article and not a person, and while the person who claims to be the owner or interested in the libeled goods is permitted to come in as a claimant, it is not necessary that such person be a party to the proceeding. All that is required is that the libeled articles be found in the District, and this limitation upon jurisdiction appears to have been imposed deliberately and not as a result of any inadvertence.

"§ 334 (d) provides for the character of decree which a court may enter in a libel proceeding. The goods may be ordered destroyed or disposed of in numerous ways therein provided. It is significant that Congress has made no provisions by which such a decree could be made effective beyond the territory of the District wherein the case was tried. It has been held that under general provisions of law a United States District Court cannot issue process beyond the limits of the District. *Robertson v. Railroad Labor Board*, 268 U. S. 619, 622. If this is the law, as we think it is, a trial of the involved actions would

be futile in the absence of authority to enter a decree effective against the seized articles located in Missouri.

"Petitioner makes an appealing argument that the purpose of § 1404 (a) was to relieve hardships incident to the expense and inconvenience occasioned by a litigant being required to try a case far removed from his home or place of business. Undoubtedly such was the purpose of the statute, as was recognized by the Supreme Court in the *Collett* and *National City Lines* cases, but even so, such argument is no aid to a solution of the jurisdictional issue with which we are presented. It is an argument which may more appropriately be directed to Congress than to the courts.

"There are called to our attention a number of District Court decisions (mostly unpublished) which have taken the same view of the instant question as did the respondent. A well-reasoned opinion with which we agree is that of *United States v. 23 Gross Jars, etc.*, 86 F. Supp. 824, 825, in which the court stated: 'This libel having been brought under favor of 21 U. S. C. A. § 334, the articles may be condemned "in any district court of the United States within the jurisdiction of which the article is found." Since the articles were found in the Western District of Pennsylvania this action only could be commenced in that district. It could not, under Section 334, have been brought in this district. Since this is so and since Section 1404 (a) may only be used to transfer actions to districts where they could have been brought, it follows that section 1404 (a) could not be used to transfer this action here.'

"Petitioner cites a number of cases in support of the proposition that venue may be waived by the parties where the court has jurisdiction of the subject matter. There is no point in citing or discussing such cases for the reason that the subject matter of the involved actions was the seized articles, of which the Indiana court never acquired jurisdiction. Under such circumstances, we are of the view that the parties' consent to venue was without effect.

"In our judgment, respondent correctly held that the Indiana court was without jurisdiction and that the remanding order was proper. The relief prayed for is, therefore, denied, and the petition dismissed."

On May 3, 1951, the claimant filed a petition for a writ of certiorari to the United States Supreme Court, which was denied on June 4, 1951.

On October 19, 1951, the claimant having withdrawn its appearance and requested that all its pleadings be stricken from the record, the court ordered that the product be condemned and destroyed.

17642. Misbranding of a tomato product. U. S. v. 66 Cases * * *. (F. D. C. No. 31001. Sample No. 15356-L.)

LIBEL FILED: May 16, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about March 4, 1951, by the May Bros. Grocery Co., from Milan, Mo.

PRODUCT: 66 cases, each containing 24 unlabeled No. 2 cans, of a tomato product at Kansas City, Kans. Examination showed that this product was packing table tomato juice containing some tomato seeds and small lumps of tomatoes.

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: July 25, 1951. Default decree of condemnation and destruction.

17643. Adulteration and misbranding of tomato puree. U. S. v. 246 Unlabeled Cans, etc. (F. D. C. No. 30797. Sample No. 9079-L.)

LIBEL FILED: March 7, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 5, 1951, by Reid Murdoch, from Pierceton, Ind.

PRODUCT: 246 unlabeled 5-gallon cans and 1 unlabeled 2½-gallon jug of tomato puree at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be and was represented as tomato puree, and its label failed to bear, as prescribed by the regulations, the name of the food specified in the definition and standard.

DISPOSITION: May 21, 1951. Default decree of condemnation and destruction

POULTRY

17644. Adulteration of poultry. U. S. v. 441 Pounds * * *. (F. D. C. No. 30916. Sample No. 24316-L.)

LIBEL FILED: April 16, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 1, 1951, by the Hartford Live Poultry Market, from Hartford, Conn.

PRODUCT: 441 pounds of poultry in 7 second-hand orange crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: May 1, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

17645. Adulteration of poultry. U. S. v. 169 Pounds * * *. (F. D. C. No. 30932. Sample No. 24320-L.)

LIBEL FILED: April 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 3, 1951, by A. Amico, from Vineland, N. J.

PRODUCT: 169 pounds of poultry in 2 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: May 14, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

17646. Adulteration of dressed poultry. U. S. v. 236 Pounds * * *. (F. D. C. No. 30849. Sample No. 24307-L.)

LIBEL FILED: March 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about March 2, 1951, by the Delmarva Poultry Corp., from Milford, Del.

PRODUCT: 236 pounds of dressed poultry in 3 crates marked with grade designation and net weight at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: April 9, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

17647. Adulteration and misbranding of black pepper. U. S. v. 1 Drum * * *.
(F. D. C. No. 31008. Sample No. 29022-L.)

LIBEL FILED: May 28, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about December 11, 1950, by the Meer Corp., from New York, N. Y.

PRODUCT: 1 100-pound drum of black pepper at Portland, Oreg.

LABEL, IN PART: "Ground Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seeds had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label designation "Ground Black Pepper" was false and misleading as applied to a mixture of black pepper and paradise seeds.

DISPOSITION: August 15, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable or public institution.

17648. Adulteration and misbranding of black pepper. U. S. v. 14 Cases * * *.
(F. D. C. No. 30814. Sample No. 23997-L.)

LIBEL FILED: February 23, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about February 5, 1951, by the Muro Importing Co., from Brooklyn, N. Y.

PRODUCT: 14 cases, each containing 24 $\frac{3}{4}$ -ounce bottles, of black pepper at Hillside, N. J.

LABEL, IN PART: (Bottle) "Muro Pure Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of black pepper, buckwheat hulls, and salt had been substituted in whole or in part for pepper.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading since the product was a mixture of black pepper, buckwheat hulls, and salt.

DISPOSITION: April 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions after examination by the Food and Drug Administration to determine whether the product was suitable for human consumption.

17649. Adulteration and misbranding of oil of lemon. U. S. v. 1 Tin * * *.
(F. D. C. No. 30910. Sample No. 25302-L.)

LIBEL FILED: April 10, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about February 16, 1951, by Felton Chemical Co., Inc., from Brooklyn, N. Y.

PRODUCT: 1 tin of oil of lemon at Camden, N. J.

LABEL, IN PART: (Tin) "Key Brand Oil of Lemon Cold Pressed U. S. P. 25 Lbs. Net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an oil other than oil expressed from the peel of lemons had been substituted in whole or in part for oil of lemon U. S. P.

Misbranding, Section 403 (a), the label designation "Oil of Lemon * * * U. S. P." was false and misleading as applied to an oil other than oil expressed from the peel of lemons.

DISPOSITION: June 20, 1951. Default decree of condemnation. The court ordered that the labels be destroyed and that the product be delivered to a charitable institution for its use and not for sale.

17650. Adulteration of barbecue sauce. U. S. v. 173 Cases * * *. (F. D. C. No. 30989. Sample No. 17019-L.)

LIBEL FILED: June 7, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about March 9, 1951, by the Macgowan Coffee Co., from Jackson, Miss.

PRODUCT: 173 cases, each containing 24 6-ounce bottles, of barbecue sauce at Los Angeles, Calif.

LABEL, IN PART: "London Chop House Brand Genuine Barbecue Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 6, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17601 TO 17650

PRODUCTS	
N. J. No.	N. J. No.
Apricot jam_____ ¹ 17634	Chick-peas, canned_____ 17638
Asparagus, canned_____ 17636	Cigarettes, candy_____ 17606
Barbecue sauce_____ 17650	Coffee _____ 17602
Beans, green, canned_____ 17637	Corn flakes_____ 17610
Beer_____ ² 17601	Cottage cheese_____ 17619
Beverages and beverage materials _____ ² 17601-17603	Dairy products_____ 17615-17619
Blackberry jam_____ ¹ 17634	Dog food_____ 17622
Butter _____ 17615, 17616	Easter eggs, candy_____ 17605
Buttermilk, condensed, for brood sows and laying hens__ 17623	Eggs, frozen_____ 17620
Candy_____ 17604-17607	Feeds and grains_____ 17621-17623
Cane sugar_____ 17610	Fish and shellfish_____ 17624-17626
Cat food_____ 17622	Flavors. See Spices, flavors, and seasoning materials.
Catsup, tomato_____ ³ 17641	Flour _____ 17608, 17609
Cereals and cereal products____ 17608-17614	Fruits and vegetables__ ^{1, 3} 17627-17643
Cheese _____ 17616-17619	fruit, canned_____ 17627-17630
cottage _____ 17619	frozen_____ 17631-17633
Swiss_____ 17618	jam and jelly_____ ¹ 17634, 17635
Cherries, canned_____ 17627	tomato products_____ ³ 17641-17643
	vegetables _____ 17636-17640
	Garbanzos (chick-peas), canned_ 17638

¹(17634) Seizure contested. Contains findings of fact and conclusions of law and opinions of district court and Supreme Court.

²(17601) Injunction issued.

³(17641) Seizure contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Grains. <i>See</i> Feeds and grains.		Raspberry puree, frozen	17631
Grape jam	¹ 17634	Rice	17614
Hess' condensed buttermilk for brood sows and laying hens	17623	Sauce, barbecue	17650
Jam, apricot, blackberry, grape, peach, plum, and straw- berry	¹ 17634	Shellfish. <i>See</i> Fish and shellfish.	
Jelly, blackberry, currant, logan- berry, quince, raspberry, and strawberry	17635	Shrimp, canned	17625
Lemon, oil of	17649	frozen	17626
Lentils	17639	Spices, flavors, and seasoning materials	17647-17650
Mandarin oranges, canned	17628	Spinach, canned	17640
Oats, rolled	17611	Strawberries, frozen	17631-17633
Oranges, mandarin, canned	17628	Strawberry jam	¹ 17634
Peach(es), canned	17629	puree, frozen	17631
jam	¹ 17634	Sugar, cane	17610
Pears, canned	17630	Swiss cheese	17618
Pepper, black	17647, 17648	milk chocolate bars	17607
Plum jam	¹ 17634	Tea	17603
Popcorn, unpopped	17612, 17613	Tomato catsup	³ 17641
Poultry	17644-17646	juice	17642
Raspberries, black, frozen	17631	puree	17643
		Tuna, canned	17624
		Vegetables. <i>See</i> Fruits and veg- etables.	

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
A. & P. Tea Co:		Cousins VirDel, Inc.:	
canned asparagus	17636	dog and cat food	17622
Amico, A.:		Dad's Cookie Co.:	
poultry	17645	rolled oats	17611
Associated Foods, Inc.:		Delmarva Poultry Corp.:	
rice	17614	dressed poultry	17646
Barton, Inc.:		Dixie Preserves, Ltd.:	
Swiss milk chocolate bars	17607	jelly	17635
Beckwith, C. E.:		Emma Creamery Co.:	
fish meal	17621	butter and cheese	17616
Capital Egg Products, Inc.:		Farmers Cooperative Creamery:	
frozen eggs	17620	butter	17615
Carstens, Thomas:		Felton Chemical Co., Inc.:	
fish meal	17621	oil of lemon	17649
Carstens Packing Co.:		Fettig Canning Co.:	
fish meal	17621	tomato catsup	³ 17641
Cortley Frosted Foods, Inc.:		Frigid Food Products, Inc.:	
frozen strawberries	17633	frozen strawberries	17632
Costello, J. H.:		Goetz, Albert:	
cottage cheese	17619	Swiss cheese	17618
Costello's Mendota Creamery. <i>See</i> Costello, J. H.		Gyles, F. A., and Wilson:	
		flour	17608

¹(17634) Seizure contested. Contains findings of fact and conclusions of law and opinions of district court and Supreme Court.
³(17641) Seizure contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Hartford Live Poultry Market:		Northwestern Canning & Pack-	
poultry -----	17644	ing Co.:	
Hess, Donald:		canned garbanzos (chick-	
Hess' condensed buttermilk for		peas) -----	17638
brood sows and laying hens_	17623	Packard Milling Co.:	
Hess Condensed Buttermilk Co.:		flour -----	17608
Hess' condensed buttermilk for		Producers Cooperative Packing	
brood sows and laying hens_	17623	Co.:	
Hunt Foods, Inc.:		canned cherries -----	17627
canned pears -----	17630	Pure Food Mfg. Co.:	
Liberty Chocolate Co.:		jam -----	¹ 17634
candy -----	17604	Red Oak Dairy. See Goetz, Al-	
Lung, F. Y.:		bert.	
tea -----	17603	Rhodes Candy Co.:	
McDonnell, E. W., Inc.:		corn flakes and cane sugar ---	17610
candy Easter eggs -----	17605	Southland Canning & Packing	
Macgowan Coffee Co.:		Co.:	
barbecue sauce -----	17650	canned shrimp -----	17625
May Bros. Grocery Co.:		Southland Frozen Foods, Inc.:	
tomato product -----	17642	frozen strawberries -----	17633
Meer Corp.:		Star Chocolate Corp.:	
black pepper -----	17647	candy cigarettes -----	17606
Michigan Dog Food Sales Co.:		Sunshine Packing Corp.:	
dog food -----	17622	frozen fruit -----	17631
Minneapolis Brewing Co.:		Uddo & Taormina Corp.:	
beer -----	² 17601	cheese -----	17617
Mozaki & Co., Ltd.:		Van Buren Canning Co.:	
canned mandarin oranges ---	17628	canned spinach -----	17640
Murdoch, Reid:		West Coast Warehouse Corp.:	
tomato puree -----	17643	coffee -----	17602
Muro Importing Co.:		Wilbur-Ellis Co., Inc.:	
black pepper -----	17648	canned tuna -----	17624
Noroian, George, Co.:		Wyandot Popcorn Co.:	
canned peaches -----	17629	unpopped popcorn ---	17612, 17613
North Pacific Cannery & Packers,		Zion's Wholesale Grocery Co.:	
Inc.:		flour -----	17609
canned cherries -----	17627		

¹(17634) Seizure contested. Contains findings of fact and conclusions of law and opinions of district court and Supreme Court.

²(17601) Injunction issued.

32 Nf
1

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17651-17700

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 24, 1952.*

CONTENTS

	Page		Page
Candy, sirup, and sugar.....	326	Fruits and vegetables.....	333
Candy.....	326	Canned fruit.....	333
Sirup.....	327	Dried fruit.....	333
Sugar.....	327	Frozen fruit.....	334
Cereals and cereal products.....	327	Jam, jelly, and preserves.....	334
Bakery products.....	327	Vegetables.....	336
Flour.....	328	Tomatoes and tomato products.....	339
Miscellaneous cereals and cereal products.....	329	Nuts and nut products.....	340
Eggs.....	329	Poultry.....	341
Feeds and grains.....	330	Spices, flavors, and seasoning materials.....	342
Fish and shellfish.....	331	Index.....	343

CANDY, SIRUP, AND SUGAR**CANDY**

17651. Adulteration of candy. U. S. v. 50 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 30893, 30896. Sample Nos. 24708-L, 24711-L.)

LIBELS FILED: April 4 and 5, 1951, Southern and Eastern Districts of New York.

ALLEGED SHIPMENT: On or about February 27, 1951, by the General Candy Co., from Baltimore, Md.

PRODUCT: Candy. 50 boxes at New York, N. Y., and 44 boxes at Brooklyn, N. Y.

LABEL, IN PART: (Box) "80 Count Pe-Co Chop Suey Squares."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 23 and 24, 1951. Default decrees of condemnation and destruction.

17652. Adulteration of chocolate-covered Easter rabbits and chocolate-covered Easter eggs. U. S. v. 31 boxes * * *. (F. D. C. No. 30859. Sample Nos. 24668-L to 24670-L, incl.)

LIBEL FILED: March 26, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about February 14, 1951, by Waldies Chocolate Co., Inc., from New York, N. Y.

PRODUCT: 31 boxes of chocolate-covered Easter rabbits and 13 boxes of chocolate-covered Easter eggs at Newark, N. J.

LABEL, IN PART: (Box) "80 Ct. Waldies Chocolate Covered Baby Easter Bunnies" or "48 [or "24"] Count Waldies Chocolate Covered Marshmallow Easter Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of wood splinters.

DISPOSITION: July 11, 1951. Default decree of condemnation and destruction.

17653. Adulteration of frozen chocolate-coated bananas. U. S. v. 1,392 Boxes * * *. (F. D. C. No. 31052. Sample No. 16169-L.)

LIBEL FILED: April 10, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about May 16, 1949, from New Orleans, La.

PRODUCT: 1,392 boxes each containing 24 frozen chocolate-coated bananas at Wichita, Kans.

LABEL, IN PART: "Chocolate Flavored Banana Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 19, 1951. Default decree of condemnation and destruction.

SIRUP

17654. Adulteration and misbranding of sorghum sirup. U. S. v. 25 Cases
* * *. (F. D. C. No. 30963. Sample No. 11102-L.)

LIBEL FILED: June 29, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about January 26, 1951, by Charles Owen, from Joplin, Mo.

PRODUCT: 25 cases, each containing 12 unlabeled 5-pound cans, of sirup represented as sorghum at Henderson, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), sorghum with added sugar had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food; Sections 403 (e) (1) and (2), it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each ingredient.

DISPOSITION: August 30, 1951. Default decree of condemnation and destruction.

SUGAR

17655. Adulteration of sugar. U. S. v. 185 Bags * * *. (F. D. C. No. 30983. Sample No. 30033-L.)

LIBEL FILED: June 6, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about March 8, 1950, from Granada, Nicaragua.

PRODUCT: 185 100-pound bags of sugar at Tacoma, Wash., in the possession of the Hamilton Candy Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was stored under insanitary conditions while held for sale after shipment in interstate commerce.

DISPOSITION: July 3, 1951. The Hamilton Candy Co., a Washington corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and re-refinement of all contaminated sugar, under the supervision of the Federal Security Agency.

CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCTS**

17656. Adulteration of cookies. U. S. v. Independent Biscuit Co. Fine, \$200, together with costs. (F. D. C. No. 30069. Sample Nos. 89826-K, 89831-K.)

INFORMATION FILED: December 26, 1950, District of Nebraska, against the Independent Biscuit Co., a corporation, Omaha, Nebr.

ALLEGED SHIPMENT: On or about August 18 and 22, 1950, from the State of Nebraska into the State of Iowa.

LABEL, IN PART: "Independent Tasty Delicious Cookies Tasty Sandwich [or "Vanilla Wafers"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 13, 1951. A plea of nolo contendere having been entered, the court fined the corporation \$200, together with costs.

FLOUR

17657. Adulteration of flour. U. S. v. 43 Bags * * *. (F. D. C. No. 31035. Sample No. 13712-L.)

LIBEL FILED: May 7, 1951, District of Wyoming.

ALLEGED SHIPMENT: On or about March 12, 1951, from Omaha, Nebr.

PRODUCT: 43 50-pound bags of flour at Laramie, Wyo., in possession of the Pacific Fruit & Produce Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta pellets and rodent urine; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was stored under insanitary conditions after shipment in interstate commerce.

DISPOSITION: May 18, 1951. Consent decree of condemnation and destruction.

17658. Adulteration of flour. U. S. v. 16 Bags, etc. (F. D. C. No. 31036. Sample Nos. 28481-L, 28482-L.)

LIBEL FILED: May 4, 1951, District of Nevada.

ALLEGED SHIPMENT: On or about December 5, 1950, from Ogden, Utah.

PRODUCT: Flour. 16 50-pound bags and 8 100-pound bags at Reno, Nev., in possession of the Reno Grocer Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth by reason of the presence of rodent pellets and rodent urine on the bags. The product was stored under insanitary conditions after shipment in interstate commerce.

DISPOSITION: June 21, 1951. Default decree of condemnation and destruction. (Only 8 100-pound bags of flour were seized.)

17659. Adulteration of flour. U. S. v. 24 Bags * * *. (F. D. C. No. 31040. Sample No. 31914-L.)

LIBEL FILED: May 10, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 14, 1951, from Fort Worth, Tex.

PRODUCT: 24 50-pound bags of flour at Memphis, Tenn., in possession of the Clayton-Brown Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence therein

of rodent excreta and rodent urine; and, Section 402 (a) (4) it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 15, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as stock feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

17660. Adulteration of barley. U. S. v. 29 Cases * * *. (F. D. C. No. 31013. Sample No. 21646-L.)

LABEL FILED: May 26, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 4, 1951, by H. C. Knoke & Co., from Dixon, Ill.

PRODUCT: 29 cases, each containing 24 1-pound packages, of barley at New Orleans, La.

LABEL, IN PART: "E-Z Cooker Brand Quality Pearl Barley."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance (examination disclosed that the product contained insects and insect parts); and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 25, 1951. Default decree of condemnation and destruction.

17661. Adulteration of canned hominy. U. S. v. Consolidated Grocers Corp. (Marshall Canning Co., Div. of Consolidated Grocers Corp.). Plea of guilty. Fine, \$200. (F. D. C. No. 31068. Sample Nos. 88304-K to 88306-K, incl.)

INFORMATION FILED: April 18, 1951, Southern District of Texas, against the Consolidated Grocers Corp., Sugarland, Tex., trading under the name of the Marshall Canning Co., Div. of Consolidated Grocers Corp.

ALLEGED SHIPMENT: Between the approximate dates of July 5 and August 21, 1950, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "White Swan Brand Golden [or "Fancy"] Hominy * * * Distributed by Waples-Platter Company Oklahoma - Texas - New Mexico."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: May 22, 1951. A plea of guilty having been entered, the court imposed a fine of \$200.

EGGS

17662. Adulteration and misbranding of frozen eggs. U. S. v. Nathan Korol (Nathan Korol Egg Co.). Plea of not guilty. Tried to the court; verdict of guilty. Fine, \$100. (F. D. C. No. 30073. Sample Nos. 3398-K, 3400-K.)

INFORMATION FILED: April 11, 1951, District of Columbia, against Nathan Korol, trading as Nathan Korol Egg Co., Washington, D. C.

ALLEGED VIOLATION: Between the approximate dates of July 7 and 28, 1950, the defendant caused to be introduced and delivered for introduction into interstate commerce, by delivery in the District of Columbia for sale in the District of Columbia, or elsewhere, a number of unlabeled cans containing frozen eggs which were adulterated and misbranded.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of decomposed eggs.

Misbranding, Sections 403 (e) (1) and (2), the cans failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the cans did not bear a label bearing the common or usual name of the food.

DISPOSITION: April 26, 1951. A plea of not guilty having been entered, the case was tried before the court. A verdict of guilty was returned, and the defendant was fined \$100.

17663. Adulteration of frozen eggs. U. S. v. 52 Cans * * *. (F. D. C. No. 30984. Sample No. 15090-L.)

LIBEL FILED: June 8, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about May 2, 1951, by the Omaha Cold Storage Co., from Carroll, Iowa.

PRODUCT: 52 30-pound cans of frozen eggs at Omaha, Nebr.

LABEL, IN PART: "Logan Brand Frozen Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 27, 1951. The Omaha Cold Storage Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the adulterated portion from the unadulterated portion, under the supervision of the Federal Security Agency. Segregation operations resulted in the release of 42 30-pound cans of eggs as good and the destruction of 10 30-pound cans as unfit.

FEEDS AND GRAINS

17664. Misbranding of cottonseed screenings. U. S. v. Plains Cooperative Oil Mill. Plea of guilty. Fine of \$200 and costs. (F. D. C. No. 30083. Sample No. 89683-K.)

INFORMATION FILED: February 19, 1951, Northern District of Texas, against the Plains Cooperative Oil Mill, a corporation, Lubbock, Tex.

ALLEGED SHIPMENT: On or about August 3, 1950, from the State of Texas into the State of Kansas.

LABEL, IN PART: "41% Protein Cottonseed Pellets * * * Guaranteed Analysis Crude Protein not less than 41.00 Per Cent."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "41% Protein Cottonseed Pellets" and "Crude Protein not less than 41.00 Per Cent" were false and misleading since the product contained less than 41 percent of protein.

DISPOSITION: April 30, 1951. A plea of guilty having been entered, the court fined the defendant \$200 and costs.

17665. Misbranding of Concordia Brand milk solids and Shearer's Emulseast Concentrate. U. S. v. Tri Foods Co. Plea of nolo contendere. Fine of \$20, plus costs. (F. D. C. No. 30035. Sample Nos. 48902-K, 80969-K.)

INFORMATION FILED: May 24, 1951, Western District of Missouri, against the Tri Foods Co., a corporation, Concordia, Mo.

ALLEGED SHIPMENT: On or about February 17, 1950, from the State of Missouri into the State of New Jersey.

LABEL, IN PART: "Concordia Brand Milk Solids for Animal and Poultry Feeding * * * Protein 9% * * * Manufactured By Tri Foods Co. Concordia, Missouri" and "Shearer's Emulseast Concentrate."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the Concordia Brand milk solids contained a statement representing and suggesting that the product contained protein in the amount of 9 percent, which was false and misleading since the product contained less than 9 percent protein; and, Section 403 (i) (2), the Shearer's Emulseast Concentrate was fabricated from two or more ingredients, and its label failed to bear the common and usual name of each ingredient.

DISPOSITION: September 28, 1951. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$20, plus costs.

FISH AND SHELLFISH

17666. Adulteration of canned tuna. U. S. v. 16 Cases * * *. (F. D. C. No. 31053. Sample No. 19086-L.)

LIBEL FILED: April 13, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 15, 1950, by the Gloucester Safe Deposit & Trust Co., from Gloucester, Mass.

PRODUCT: 16 cases, each containing 48 6½-ounce cans, of tuna at Minneapolis, Minn.

LABEL, IN PART: "Blue Band Brand Light Meat Tuna."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 11, 1951. A default decree was entered ordering the product destroyed or, in lieu of destruction, denatured and disposed of for use as animal feed.

17667. Adulteration of frozen fish (Corbina). U. S. v. 1,560 Pounds * * *. (F. D. C. No. 30987. Sample No. 17968-L.)

LIBEL FILED: June 6, 1951. Southern District of California.

ALLEGED SHIPMENT: On or about May 24, 1951, by L. H. Rodrigues, from Douglas, Ariz.

PRODUCT: 1,560 pounds of frozen fish (Corbina) at Wilmington, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: July 5, 1951. Default decree of condemnation. The court ordered that the product be sold for use as an ingredient of fertilizer, and that such disposition be supervised by the Food and Drug Administration.

17668. Adulteration of oysters. U. S. v. Conrad R. Becker (Lakewood Market).
Plea of not guilty. Tried before a jury. Jury discharged after failure to reach verdict. Subsequent plea of nolo contendere. Fine, \$200. (F. D. C. No. 30601. Sample Nos. 94911-K to 94913-K, incl.)

INFORMATION FILED: June 11, 1951, District of Colorado, against Conrad R. Becker, trading as the Lakewood Market.

ALLEGED SHIPMENT: On or about November 6, 1950, from the State of New Jersey into the State of Colorado.

ALLEGED VIOLATION: On or about November 10, 1950, while the product was held for sale after shipment in interstate commerce, the defendant caused a quantity of water to be added to the oysters, which act resulted in the oysters becoming adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance, water, had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed with it so as to increase its bulk and reduce its quality.

DISPOSITION: On September 18, 1951, a plea of not guilty having been entered, the case was tried before a jury, but the jury failed to agree as to a verdict. On November 21, 1951, a plea of nolo contendere having been entered, the court fined the defendant \$200.

17669. Adulteration of oysters. U. S. v. Food Center of St. Louis, Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 30608. Sample No. 31454-L.)

INFORMATION FILED: July 13, 1951, Eastern District of Missouri, against Food Center of St. Louis, Inc., Pine Lawn, Mo.

ALLEGED SHIPMENT: On or about December 16, 1950, from the State of New York into the State of Missouri.

ALLEGED VIOLATION: Between the approximate dates of December 28, 1950, and January 9, 1951, while the product was held for sale after shipment in interstate commerce, the defendant caused a quantity of water to be added to the oysters, which act resulted in the oysters becoming adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance, water, had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed with it so as to increase its bulk and reduce its quality.

DISPOSITION: September 26, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

17670. Adulteration and misbranding of frozen breaded shrimp. U. S. v. 615 Cases * * *. (F. D. C. No. 31062. Sample No. 17756-L.)

LIBEL FILED: April 20, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about March 5, 1951, by the McKown-Liston Packing Co., from Nogales, Ariz.

PRODUCT: 615 cases, each containing 24 packages, of frozen breaded shrimp at Los Angeles, Calif.

LABEL, IN PART: (Package) "Net Weight 12 ounces Liston Shrimp Dinner Quick Frozen."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested corn meal.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The packages contained less than 12 ounces net, the declared weight.

DISPOSITION: May 10, 1951. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed under the supervision of the Food and Drug Administration. The shrimp was thawed and washed, which removed the contaminated corn meal. The product then was rebreaded, refrozen, and repackaged, resulting in the salvaging of 455 cases and 20 packages.

FRUITS AND VEGETABLES

CANNED FRUIT

17671. Adulteration of canned crushed bananas. U. S. v. 93 Cans * * *.
(F. D. C. No. 31047. Sample No. 17052-L.)

LIBEL FILED: April 5, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about January 28, 1947, from Mexico City, Mexico.

PRODUCT: 93 cans, each can containing 6-pounds, 5½-ounces, of crushed bananas at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 25, 1951. Default decree of condemnation and destruction.

DRIED FRUIT

17672. Adulteration of apple chops. U. S. v. 85 Sacks * * *. (F. D. C. No. 30982. Sample Nos. 11791-L, 11792-L.)

LIBEL FILED: June 5, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 3, 1951, by the Battletown Fruit Co., from Staunton, Va.

PRODUCT: 85 sacks of apple chops at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 10, 1951. Default decree of condemnation and destruction.

17673. Adulteration of pitted dates. U. S. v. 101 Boxes * * *. (F. D. C. No. 31015. Sample No. 6777-L.)

LIBEL FILED: May 29, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about December 5, 1950, from Iraq.

PRODUCT: 101 70-pound boxes of pitted dates at Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 27, 1951. Default decree of condemnation and destruction.

17674. Adulteration of pitted dates. U. S. v. 16 Cases * * *. (F. D. C. No. 31034. Sample No. 28476-L.)

LIBEL FILED: May 4, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about July 31, 1950, from New York, N. Y.

PRODUCT: 16 35-pound cases of pitted dates at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 17, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

17675. Adulteration and misbranding of frozen strawberries. U. S. v. 358 Cans, etc. (F. D. C. No. 31042. Sample Nos. 15667-L, 15670-L, 15671-L.)

LIBEL FILED: On or about May 16, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 11, 1950, by the Onda Canning Co., from Springdale, Ark.

PRODUCT: 416 30-pound cans of frozen strawberries at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

DISPOSITION: July 26, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

17676. Adulteration of frozen strawberries. U. S. v. 175 Cans * * *. (F. D. C. No. 30979. Sample No. 15374-L.)

LIBEL FILED: On or about June 11, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 25, 1950, by the Onda Canning Co., from Wauhiliau, Okla.

PRODUCT: 175 30-pound cans of frozen strawberries at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: August 10, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

JAM, JELLY, AND PRESERVES

17677. Adulteration and misbranding of jelly and jam. U. S. v. 1 Can, etc. (F. D. C. No. 30886. Sample Nos. 15658-L to 15662-L, incl.)

LIBEL FILED: April 9, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 8, 1951, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 1 40-pound can of cherry jelly, 1 40-pound can of strawberry jelly, 2 40-pound cans of grape jelly, 1 40-pound can of apple jelly, and 1 40-pound can of cherry jam, at Kansas City, Mo.

LABEL, IN PART: (Can) "Garvey's Bakers Style Cherry [or "Strawberry," "Grape," or "Apple"] Jelly" or "Cherry Jam."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), jam deficient in fruit, and assorted jelly deficient in fruit juices, all of which contained artificial color except the apple jelly, had been substituted for cherry jam and strawberry, grape, and apple jelly.

Misbranding, Section 403 (a), the label designations "Cherry Jelly," "Strawberry," "Grape Jelly," "Apple Jelly," and "Cherry Jam" were false and misleading since the products failed to conform to the definitions and standards of identity for fruit jelly and jam. Further misbranding, Section 403 (g) (1), the products purported to be and were represented as cherry, strawberry, grape, and apple jelly, and cherry jam, and failed to conform to the definitions and standards of identity for such jelly and jam since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients (cherry, strawberry, grape, and apple jelly) and the fruit ingredient (cherry jam) to each 55 parts by weight of one of the saccharine ingredients specified in such definitions and standards; and all of the products except the apple jelly contained artificial color which is not permitted as an optional ingredient of fruit jelly and fruit jam.

DISPOSITION: June 11, 1951. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution and not for sale.

17678. Adulteration and misbranding of strawberry preserves. U. S. v. 18 Cases * * *. (F. D. C. No. 30860. Sample No. 31961-L.)

LIBEL FILED: On or about April 11, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 31, 1951, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 18 cases, each containing 6 8¼-pound cans, of strawberry preserves at Mount Vernon, Mo. This product was deficient in fruit, and the portion labeled "Western Brand" contained artificial color.

LABEL, IN PART: (Can) "Western Brand Institution Style Strawberry Preserves * * * Western Products Corp. Omaha, Nebraska" or "Institution Style Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit, a portion of which contained artificial color, had been substituted in whole or in part for strawberry preserves; and, Section 402 (b) (4), artificial color had been added to a portion of the product and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for strawberry preserves since it was made from a mixture composed of less than 45 parts by weight of the strawberry ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard; and, Section 403 (e) (1), a portion of the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: May 28, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for consumption by the inmates.

VEGETABLES

17679. Adulteration of canned kidney beans. U. S. v. 24 Cases * * *.
(F. D. C. No. 30153. Sample No. 90121-K.)

LIBEL FILED: On or about November 21, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 8, 1950, by the Norfolk Packing Co., from Plattsmouth, Nebr.

PRODUCT: 24 cases, each containing 24 15½-ounce cans, of kidney beans at Kansas City, Mo.

LABEL, IN PART: (Can) "La Platte Red Kidney Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

DISPOSITION: On January 24, 1951, a decree was entered ordering the product destroyed. Subsequently, the court ordered that the product be delivered to a municipal institution, for use as hog feed.

17680. Adulteration and misbranding of canned corn. U. S. v. 2,242 Cases * * *.
(F. D. C. No. 29516. Sample No. 82230-K.)

LIBEL FILED: August 3, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about May 15, 17, and 18, and June 17, 1950, by Ray Thomas and Lansing B. Warner, Inc., from Onarga, Ill.

PRODUCT: 2,242 cases, each containing 24 cans, of corn at Charleston, W. Va.

LABEL, IN PART: "Lush'Us Brand White Sweet Corn Country Gentleman Cream Style Net Weight 1 Lb. 4 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product fell below the standard of identity for canned corn since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: September 5, 1950. Ray Thomas and Lansing B. Warner, Inc., claimants, having consented to the entry of a decree, judgement of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was examined for decomposition, resulting in the destruction of 3,840 pounds of the canned corn as unfit. The good portion, consisting of 59,160 pounds, was reprocessed and repacked.

17681. Adulteration of canned corn. U. S. v. 224 Cases * * *.
(F. D. C. No. 31025. Sample No. 31659-L.)

LIBEL FILED: April 30, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 9, 1951, by the Ladoga Canning Co., from Washington Court House, Ohio.

PRODUCT: 224 cases, each containing 24 1-pound, 4-ounce cans, of corn at Decatur, Ill.

LABEL, IN PART: "Sales Brand White Cream Style Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 22, 1951. Default decree of condemnation and destruction.

17682. Misbranding of canned mushrooms. U. S. v. 159 Cases * * *.
(F. D. C. No. 31043. Sample No. 28172-L.)

LIBEL FILED: May 17, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about February 23 and March 7, 1951, by the K-B Products Corp., from Catskill, N. Y.

PRODUCT: 159 cases, each containing 24 8-ounce cans, of mushrooms at San Francisco, Calif.

LABEL, IN PART: "Valley Bloom Brand Chopped Mushrooms Drained Weight of Mushrooms 8 Oz. Avoir-Metric Equiv. 226 Grams."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Drained Weight of Mushrooms 8 Oz. Avoir-Metric Equiv. 226 Grams" was false and misleading since the drained weight of the product was less than 8 ounces avoirdupois.

DISPOSITION: June 21, 1951. The K-B Products Corp., Hudson, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

17683. Adulteration of sweetpotatoes. U. S. v. 200 Baskets * * *. (F. D. C. No. 31049. Sample No. 31070-L.)

LIBEL FILED: April 9, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 21, 1951, by Gadis Colier and O. J. Bullen, from Belmont, Miss.

PRODUCT: 200 50-pound baskets of sweetpotatoes at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its pithiness and flesh that is readily discolored.

DISPOSITION: May 10, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as hog feed.

17684. Adulteration of canned spinach. U. S. v. The Larsen Co. Plea of guilty.
Fine, \$750. (F. D. C. No. 30072. Sample Nos. 59336-K, 75008-K, 75012-K.)

INFORMATION FILED: January 8, 1951, Eastern District of Wisconsin, against the Larsen Co., a corporation.

ALLEGED SHIPMENT: Between the approximate dates of April 17 and June 29, 1950, from the State of Wisconsin into the States of Indiana and Colorado.

LABEL, IN PART: "Larsen's Freshlike Brand Cut Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and extraneous material consisting of pieces of wood, grass and roots, and carbon.

DISPOSITION: May 7, 1951. A plea of guilty having been entered the court imposed a fine of \$750.

17685. Adulteration of canned spinach. U. S. v. 570 Cases * * *. (F. D. C. No. 30995. Sample No. 13106-L.)

LIBEL FILED: June 18, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about May 7, 1951, by the Fresh Canning Co., from Spiro, Okla.

PRODUCT: 570 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "Exeter Brand * * * Spinach Packed by Harris Canning Co. Lincoln, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: On July 2, 1951, the United States attorney having petitioned the release of a certain coded portion of the product on the ground that it did not consist in whole or in part of a filthy substance as alleged in the libel, the court ordered that portion released, which consisted of 179 cases. On August 6, 1951, the Fresh Canning Co. having consented to the entry of a decree, judgment was entered condemning the remainder of the product and ordering that it be destroyed.

17686. Adulteration and misbranding of canned turnip greens. U. S. v. 331 Cases * * *. (F. D. C. No. 31031. Sample Nos. 11496-L, 11500-L.)

LIBEL FILED: May 1, 1951, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about February 6, 1951, by Markham Bros. & Co., from Okeechobee, Fla.

PRODUCT: 331 cases, each containing 6 6-pound, 2-ounce cans, of turnip greens at Nashville, Tenn.

LABEL, IN PART: (Can) "Colonial Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned turnip greens since it had not been so processed by heat as to prevent spoilage, as required by the regulations.

DISPOSITION: June 5, 1951. Default decree of condemnation and destruction.

17687. Adulteration and misbranding of canned turnip greens. U. S. v. 101 Cases * * *. (F. D. C. No. 31041. Sample No. 21712-L.)

LIBEL FILED: May 18, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about February 26, 1951, by Markham Bros. & Co., from Okeechobee, Fla.

PRODUCT: 101 cases, each containing 6 1-pound, 3-ounce cans, of turnip greens at Mobile, Ala.

LABEL, IN PART: (Can) "Markham Brand * * * Chopped Young Tender Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned turnip greens since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: July 5, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

17688. Adulteration and misbranding of canned tomatoes. U. S. v. 14 Cases
* * *. (F. D. C. No. 30869. Sample No. 23812-L.)

LIBEL FILED: March 26, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about August 7, 1950, by the Chester Packing Co., from Chestertown, Md.

PRODUCT: 14 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Newark, N. J.

LABEL, IN PART: (Can) "Chester Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: July 11, 1951. Default decree of condemnation and destruction.

17689. Adulteration of tomato juice. U. S. v. 831 Cases * * *. (F. D. C. No. 31045. Sample Nos. 10330-L, 10331-L.)

LIBEL FILED: April 5, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about September 17, 1950, and February 12, 1951, by the Clyde Canning Co., from Clyde, Ohio.

PRODUCT: 831 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Pontiac, Mich.

LABEL, IN PART: (Can) "Defiance Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 18 and 25, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

17690. Adulteration of tomato juice. U. S. v. 154 Cases * * *. (F. D. C. No. 31037. Sample No. 8842-L.)

LIBEL FILED: May 7, 1951, Western District of Michigan.

ALLEGED SHIPMENT: On or about January 18, 1951, by the Wabuck Canning Co., from Blakeslee, Ohio.

PRODUCT: 154 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Grand Rapids, Mich.

LABEL, IN PART: "Wabuck Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 24, 1951. Default decree of condemnation. The court ordered that the product be delivered to welfare organizations, for use as animal feed.

17691. Adulteration of tomato puree. U. S. v. 39 Cans * * *. (F. D. C. No. 30937. Sample No. 9721-L.)

LIBEL FILED: April 27, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 22, 1951, by Franklin MacVeagh & Co., from Preble, Ind.

PRODUCT: 39 6-pound, 9-ounce cans, of tomato puree at Chicago, Ill.

LABEL, IN PART: (Can) "Sweetheart Deluxe Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 26, 1951. Default decree of condemnation and destruction.

NUTS AND NUT PRODUCTS

17692. Adulteration of unshelled pecans. U. S. v. 24 Cases, etc. (F. D. C. No. 30866. Sample Nos. 1008-L, 1009-L.)

LIBEL FILED: March 23, 1951, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 12, 1950, by Diehl Wholesale Grocery, Inc., and on or about February 10, 1951, by Frank C. Glueck & Co., from Cincinnati, Ohio.

PRODUCT: 32 cases, each containing 24 1-pound bags, of unshelled pecans at Waycross, Ga.

LABEL, IN PART: (Bag) "Gold Kist Brand Top Quality Pecans In The Shell."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid pecans.

DISPOSITION: April 30, 1951. Default decree of condemnation and destruction.

17693. Adulteration of unshelled pecans. U. S. v. 2 Bags * * *. (F. D. C. No. 30902. Sample No. 1501-L.)

LIBEL FILED: April 13, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 12, 1951, by the A. Levin Pecan Co., from Nashville, Ga.

PRODUCT: 2 100-pound bags of unshelled pecans at Hilliard, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts, and it was otherwise unfit for food by reason of the presence of rancid and shriveled nuts.

DISPOSITION: May 14, 1951. Default decree of condemnation. The court ordered that, in lieu of destruction, the product be delivered to a public institution, for use as animal feed.

17694. Adulteration of black walnut meats. U. S. v. 2 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 31051, 31058. Sample Nos. 11400-L, 12199-L.)

LIBELS FILED: April 10 and 16, 1951, Southern District of Indiana and Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 28 and March 15, 1951, by the Kentucky Black Walnut Co., from Stanford, Ky.

PRODUCT: Black walnut meats. 140 pounds at Cleveland, Ohio, and 40 pounds at Indianapolis, Ind.

LABEL, IN PART: (Cleveland Lot) "Black Walnut Kernels Blue Grass Champions Large."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, and *E. coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 10 and 11, 1951. Default decrees of condemnation and destruction.

17695. Adulteration and misbranding of peanut butter. U. S. v. 13 Cases
* * *. (F. D. C. No. 30907. Sample No. 812-L.)

LIBEL FILED: April 10, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 13, 1951, by Rose City Foods, Inc., from Thomasville, Ga.

PRODUCT: 13 cases, each containing 12 jars, of peanut butter at Miami, Fla.

LABEL, IN PART: (Jar) "Rose Kist Peanut Butter Net Wt. 31 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, rodent excreta, and rodent hairs; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), peanut butter with added dextrose had been substituted in whole or in part for peanut butter.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The product was short of the declared weight.

DISPOSITION: May 7, 1951. Default decree of condemnation and destruction.

POULTRY

17696. Adulteration of dressed poultry. U. S. v. 656 Pounds * * *. (F. D. C. No. 30864. Sample No. 5138-L.)

LIBEL FILED: March 27, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 6, 1951, by Vermont Poultry, Inc., from Bellows Falls, Vt.

PRODUCT: 656 pounds of dressed poultry in 10 crates at Providence, R. I.

LABEL, IN PART: (Crate) "Dymond Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 20, 1951. Default decree of condemnation and destruction.

17697. Adulteration of dressed poultry. U. S. v. 141 Pounds * * *. (F. D. C. No. 30867. Sample No. 24311-L.)

LIBEL FILED: March 27, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about March 10, 1951, by Rockingham Poultry Marketing Co-op., Inc., from Broadway, Va.

PRODUCT: 141 pounds of dressed poultry in 4 crates at New York, N. Y.

LABEL, IN PART: (Crate) "Choice Fowl."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: April 10, 1951. Default decree of condemnation. The court ordered that samples of the poultry be delivered to the Food and Drug Administration and that the remainder be destroyed.

17698. Adulteration of dressed poultry. U. S. v. 137 Pounds * * *. (F. D. C. No. 30865. Sample No. 5139-L.)

LIBEL FILED: March 27, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 7, 1951, by Poultrymen's Cooperative of Connecticut, Inc., from Plainfield, Conn.

PRODUCT: 137 pounds of dressed poultry in 2 crates at Providence, R. I.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 20, 1951. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

17699. Adulteration of coriander seed. U. S. v. 29 Bags, etc. (F. D. C. No. 30713. Sample Nos. 21624-L, 21633-L.)

LIBEL FILED: On or about March 21, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 29 and February 9, 1951, by Louis Furth, Inc., from New York, N. Y.

PRODUCT: 29 bags and 1 barrel (approximately 3,300 pounds) of coriander seed at New Orleans, La.

LABEL, IN PART: (15 Bags) "Safrn Coriandro En Gano—Peso Bruto 50 Kgs. Produccion Argentina"; (14 bags and 1 barrel) "Coriander Seed Semilla De Coriandro Vegetolio Argentino Trading Co. Limited Buenos Aires."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Samples of the product were found to contain rodent excreta.)

DISPOSITION: July 19, 1951. Default decree of condemnation and destruction.

17700. Misbranding of mayonnaise. U. S. v. 1 Case, etc. (F. D. C. No. 30851. Sample No. 84577-K.)

LIBEL FILED: March 21, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about September 1, 1950, by the Kroger Co., from Cincinnati, Ohio.

PRODUCT: Mayonnaise. 1 case containing 12 unlabeled 8-ounce jars and 22 cases each containing 12 labeled 8-ounce jars at Indianapolis, Ind.

LABEL, IN PART: "Table Topper Mayonnaise * * * Manufactured By Boone Food Products, Inc. Thorntown, Indiana."

NATURE OF CHARGE: Misbranding (labeled lot), Section 403 (a), the label statement "Manufactured By Boone Food Products, Inc. Thorntown, Indiana" was false and misleading since the article was manufactured by the Kroger Co., Cincinnati, Ohio; and, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, since Boone Food Products, Inc., Thorntown, Ind., was not the manufacturer, packer, or distributor.

Further misbranding (unlabeled lot), Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it failed to conform to the definition and standard of identity for mayonnaise since it failed to bear a label containing the name of the food specified in the regulations, namely, mayonnaise.

The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 16, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17651 TO 17700

PRODUCTS

	N. J. No.		N. J. No.
Apple chops-----	17672	Greens, turnip, canned---	17686, 17687
jelly-----	17677	Hominy, canned-----	17661
Bakery products-----	17656	Jam, jelly, and preserves--	17677, 17678
Bananas, chocolate-coated-----	17653	Jelly. <i>See</i> Jam, jelly, and pre-	
crushed, canned-----	17671	serves.	
Barley-----	17660	Kidney beans, canned-----	17679
Beans, kidney, canned-----	17679	Mayonnaise-----	17700
Candy-----	17651-17653	Mushrooms, canned-----	17682
Cereals and cereal products---	17656-	Nuts and nut products---	17692-17695
	17661	Oysters----- ¹	17668, 17669
Cherry jam and jelly-----	17677	Peanut butter-----	17695
Concordia Brand milk solids		Pecans, unshelled-----	17692, 17693
(animal feed)-----	17665	Potatoes. <i>See</i> Sweetpotatoes.	
Cookies-----	17656	Poultry, dressed-----	17696-17698
Corbina (fish), frozen-----	17667	Preserves. <i>See</i> Jam, jelly, and	
Coriander seed-----	17699	preserves.	
Corn, canned-----	17680, 17681	Shearer's Emulseast Concentrate	
Cottonseed screenings-----	17664	(animal feed)-----	17665
Dates, pitted-----	17673, 17674	Shellfish. <i>See</i> Fish and shellfish.	
Easter eggs and Easter rabbits,		Shrimp, breaded, frozen-----	17670
chocolate-covered-----	17652	Sirup, sorghum-----	17654
Eggs, frozen----- ¹	17662, 17663	Sorghum sirup-----	17654
Feeds and grains-----	17664, 17665	Spices, flavors, and seasoning ma-	
Fish and shellfish----- ¹	17666-17670	terials-----	17699, 17700
Flavors. <i>See</i> Spices, flavors, and		Spinach, canned-----	17684, 17685
seasoning materials.		Strawberries, frozen-----	17675, 17676
Flour-----	17657-17659	Strawberry jelly-----	17677
Fruits and vegetables-----	17671-17691	preserves-----	17678
fruit, canned-----	17671	Sugar-----	17655
dried-----	17672-17674	Sweetpotatoes-----	17683
frozen-----	17675, 17676	Tomato(es), canned-----	17688
jam, jelly, and preserves---	17677,	juice-----	17689, 17690
	17678	puree -----	17691
tomatoes and tomato		Tuna, canned-----	17666
products-----	17688-17691	Turnip greens, canned----	17686, 17687
vegetables-----	17679-17687	Vegetables. <i>See</i> Fruits and vege-	
Grains. <i>See</i> Feeds and grains.		tables.	
Grape jelly-----	17677	Walnut meats, black-----	17694

¹ (17662, 17668) Prosecution contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Battletown Fruit Co.:		Korol, Nathan:	
apple chops-----	17672	frozen eggs----- ¹	17662
Becker, C. R.:		Korol, Nathan, Egg Co. <i>See</i>	
oysters----- ¹	17668	Korol, Nathan.	
Boone Food Products, Inc.:		Kroger Co.:	
mayonnaise-----	17700	mayonnaise-----	17700
Bullen, O. J.:		Ladoga Canning Co.:	
sweetpotatoes-----	17683	canned corn-----	17681
Chester Packing Co.:		Lakewood Market. <i>See</i> Becker,	
canned tomatoes-----	17688	C. R.	
Clayton-Brown Co.:		Larsen Co.:	
flour-----	17659	canned spinach-----	17684
Clyde Canning Co.:		Levin, A., Pecan Co.:	
tomato juice-----	17689	unshelled pecans-----	17693
Colier, Gadis:		McKown-Liston Packing Co.:	
sweetpotatoes-----	17683	frozen breaded shrimp-----	17670
Consolidated Grocers Corp.:		MacVeagh, Franklin, & Co.:	
canned hominy-----	17661	tomato puree-----	17691
Diehl Wholesale Grocery, Inc.:		Markham Bros. & Co.:	
unshelled pecans-----	17692	*canned turnip greens---	17686, 17687
Food Center of St. Louis, Inc.:		Marshall Canning Co., Div. of	
oysters-----	17669	Consolidated Grocers Corp.	
Fresh Canning Co.:		<i>See</i> Consolidated Grocers	
canned spinach-----	17685	Corp.	
Furth, Louis, Inc.:		Norfolk Packing Co.:	
coriander seed-----	17699	canned kidney beans-----	17679
Garvey, J. F., Co.:		Omaha Cold Storage Co.:	
jelly and jam-----	17677, 17678	frozen eggs-----	17663
General Candy Co.:		Onda Canning Co.:	
candy-----	17651	frozen strawberries----	17675, 17676
Gloucester Safe Deposit & Trust		Owen, Charles:	
Co.:		sorghum sirup-----	17654
canned tuna-----	17666	Pacific Fruit & Produce Co.	
Glueck, Frank C., & Co.:		flour-----	17657
unshelled pecans-----	17692	Plains Cooperative Oil Mill:	
Hamilton Candy Co.:		cottonseed screenings-----	17664
sugar-----	17655	Poultrymen's Cooperative of Con-	
Harris Canning Co.:		necticut, Inc.:	
canned spinach-----	17685	dressed poultry-----	17698
Independent Biscuit Co.:		Reno Grocer Co.:	
cookies-----	17656	flour-----	17658
K-B Products Corp.:		Rockingham Poultry Marketing	
canned mushrooms-----	17682	Co-op., Inc.:	
Kentucky Black Walnut Co.:		dressed poultry-----	17697
black walnut meats-----	17694	Rodrigues, L. H.:	
Knoke, H. C., & Co.:		frozen fish (Corbina)-----	17667
barley-----	17660		

¹ (17662, 17668) Prosecution contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Rose City Foods, Inc.:		Waldies Chocolate Co., Inc.:	
peanut butter-----	17695	chocolate-covered Easter rab-	
Thomas, Ray:		bits and chocolate-covered	
canned corn-----	17680	Easter eggs-----	17652
Tri Foods Co.:		Waples-Platter Co.:	
Concordia Brand milk solids		canned hominy-----	17661
and Shearer's Emulseast		Warner, Lansing B., Inc.:	
Concentrate -----	17665	canned corn-----	17680
Vermont Poultry, Inc.:		Western Products Corp.:	
dressed poultry-----	17696	strawberry preserves-----	17678
Wabuck Canning Co.:			
tomato juice-----	17690		

ERRATUM

F. N. J. 17546-17600, p. 276, near bottom of page. Delete first line of notice of judgment beginning "17559. Adulteration of butter," etc., and substitute "17566. Adulteration of whole egg powder. U. S. v. 1,360 Pounds * * *."

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17701-17750

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

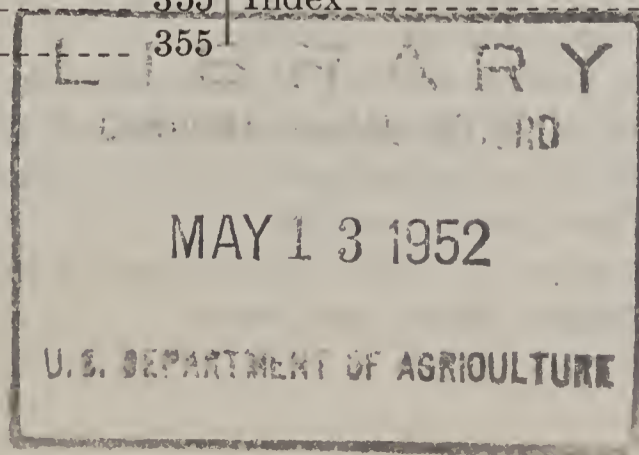
CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 11, 1952.

CONTENTS

	Page		Page
Candy.....	348	Fruits and vegetables—Continued	
Cereals and cereal products.....	349	Vegetables.....	356
Bakery product.....	349	Tomatoes and tomato products ..	358
Flour.....	349	Nuts.....	359
Miscellaneous cereal.....	349	Oleomargarine.....	360
Dairy products.....	350	Poultry.....	361
Butter.....	350	Spices, flavors, and seasoning mate-	
Cheese.....	350	rials.....	362
Eggs and egg products.....	352	Vitamin, mineral, and other prod-	
Fish and shellfish.....	353	ucts of special dietary signifi-	
Fruits and vegetables.....	354	cance.....	363
Canned fruit.....	354	Miscellaneous foods.....	365
Frozen fruit.....	355	Index.....	367
Jam.....	355		

347



CANDY

17701. Adulteration of candy Easter eggs. U. S. v. E. W. McDonell, Inc., and Louis V. Arrico. Pleas of guilty. Corporation fined \$500; individual defendant fined \$250 and given suspended sentence of 6 months in jail. (F. D. C. No. 31097. Sample Nos. 10967-L to 10971-L, incl.)

INFORMATION FILED: June 8, 1951, Southern District of Ohio, against E. W. McDonell, Inc., Cincinnati, Ohio, and Louis V. Arrico, president.

ALLEGED SHIPMENT: On or about February 16, 1951, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: (Opera cream egg, sticker on box) "E. W. McDonell—Cincinnati, O." and (box) "Allen J. Shafer Co. Cincinnati, O. * * * One-Half Lb. Net Weight"; (chocolate Easter egg, box) "E. W. McDonell Cincinnati, O. 12 Oz. Net Weight Cocoanut [or "Opera Cream"]" (hand rolled Easter eggs, box) "E. W. McDonell, Inc.," and (wrapper) "Shafer's Hand Rolled Cocoanut Net Wt. 2 Ozs. Mfd. By Allen J. Shafer Co. Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 8, 1951. Pleas of guilty having been entered, the court fined the corporation \$500 and the individual defendant \$250. In addition, the court imposed a suspended sentence of 6 months in jail against the individual defendant.

17702. Adulteration and misbranding of candy. U. S. v. Gilliam Candy Co. and John P. Ryan. Pleas of guilty. Each defendant fined \$125, plus costs. (F. D. C. No. 31089. Sample Nos. 30768-L, 31068-L, 31968-L, 31969-L, 32280-L.)

INFORMATION FILED: June 29, 1951, Western District of Kentucky, against the Gilliam Candy Co., a partnership, Paducah, Ky., and John P. Ryan, partner and plant manager.

ALLEGED SHIPMENT: Between the approximate dates of January 12 and March 1, 1951, from the State of Kentucky into the States of Tennessee, Missouri, and Illinois.

LABEL, IN PART: "5¢ Bacon Slice Mfd. By Gilliam Candy Co. Paducah, Ky." and "Gilliam's Blue Grass Candies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (4 shipments) the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2) (1 shipment) the product failed to bear a label containing an accurate statement of the quantity of the contents since the labels bore the statement "Net Wt. 1¾ Ozs.," and the weight of the packages was less than 1¾ ounces.

DISPOSITION: October 11, 1951. Pleas of guilty having been entered, the court fined each defendant \$125, plus costs.

CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCT**

17703. Adulteration of cake. U. S. v. Copperthite Pie Corp. Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$500. (F. D. C. No. 31090, Sample Nos. 3963-L, 3964-L, 3966-L.)

INFORMATION FILED: June 8, 1951, Eastern District of Virginia, against the Copperthite Pie Corp., Norfolk, Va.

ALLEGED SHIPMENT: On or about February 4, 1951, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "Mrs. Copperthite's Norfolk, Va. Spice [or "Chocolate" or "Jelly"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: On September 25, 1951, a plea of not guilty having been entered by the defendant, the case was tried before the jury and a verdict of guilty was returned. On September 26, 1951, the defendant was fined \$500.

FLOUR

17704. Adulteration of flour. U. S. v. 15 Bags, etc. (F. D. C. No. 30964. Sample Nos. 12915-L to 12917-L, incl.)

LIBEL FILED: June 25, 1951, District of Wyoming.

ALLEGED SHIPMENT: On or about January 6, 1951, from Denver, Colo.

PRODUCT: 75 50-pound bags and 39 100-pound bags of flour at Rawlins, Wyo., in the possession of Bennett's Wholesale Distributors.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was stored under insanitary conditions while held for sale after shipment in interstate commerce.

DISPOSITION: August 21, 1951. Bennett's Wholesale Distributors, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed.

MISCELLANEOUS CEREAL

17705. Adulteration of unpopped popcorn. U. S. v. Central Popcorn Co. Plea of nolo contendere. Fine of \$150, plus costs. (F. D. C. No. 31086. Sample Nos. 84808-K, 85248-K.)

INFORMATION FILED: June 20, 1951, Northern District of Iowa, against the Central Popcorn Co., a corporation, Schaller, Iowa.

ALLEGED SHIPMENT: On or about September 23 and October 5, 1950, from the State of Iowa into the States of Ohio and Minnesota.

LABEL, IN PART: "Bango * * * Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent-gnawed kernels, rodent hairs, mouse excreta pellets, live larvae and weevils, saw-tooth grain beetles, and insect fragments.

DISPOSITION: June 20, 1951. A plea of nolo contendere having been entered, the defendant was fined \$150, plus costs.

17706. Adulteration of unpopped popcorn. U. S. v. 19 Bags, etc. (F. D. C. No. 30627. Sample No. 2867-L.)

LIBEL FILED: February 12, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about January 5, 1951, by the Wyandot Popcorn Co., from Marion, Ohio.

PRODUCT: Unpopped popcorn. 19 100-pound bags and 30 50-pound bags at Beckley, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), the product had been prepared under insauitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 6, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

DAIRY PRODUCTS*

BUTTER

17707. Adulteration of butter. U. S. v. Bennett Creamery Co. and Frank R. Bennett, Sr. Pleas of nolo contendere. Corporation fined \$200 and individual defendant \$100, together with costs. (F. D. C. No. 31083. Sample Nos. 65417-K, 65539-K.)

INFORMATION FILED: April 30, 1951, District of Kansas, against the Bennett Creamery Co., a corporation, Ottawa, Kans., and Frank R. Bennett, Sr., vice president of the corporation.

ALLEGED SHIPMENT: On or about August 14 and 21, 1950, from the State of Kansas into the State of Illinois.

LABEL, IN PART: (Box) "Creamery Butter Distributed By H. C. Christians Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments, manure fragments, and mites; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 28, 1951. Pleas of nolo contendere having been entered, the court fined the corporation \$200 and the individual \$100, together with costs.

CHEESE

17708. Adulteration of Cheddar cheese. U. S. v. Raymond H. Ruhland (Seneca Cheese Co.). Plea of guilty. Fine of \$600, plus costs. (F. D. C. No. 30596. Sample Nos. 42095-K, 42099-K, 60385-K.)

*See also No. 17713.

INFORMATION FILED: June 5, 1951, Northern District of Illinois, against Raymond H. Ruhland, trading as the Seneca Cheese Co., Seneca, Ill.

ALLEGED VIOLATION: On May 15, 1947, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, at Dixon, Ill., a guaranty to the effect that all cheese comprising each shipment or delivery made by the defendant to the holder of the guaranty would not be adulterated or misbranded within the meaning of the law.

On or about May 11, September 12, and October 2, 1950, the defendant delivered under the guaranty various quantities of cheese which were adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, cat hairs, manure fragments, and fly eggs, and by reason of the use of filth-contaminated milk in its preparation.

DISPOSITION: October 17, 1951. A plea of guilty having been entered, the court fined the defendant \$600, plus costs.

17709. Adulteration of Cheddar cheese. U. S. v. Thompson Milk Co., Inc., and John D. Thompson. Pleas of nolo contendere. Corporation fined \$200 and individual \$100, together with costs. (F. D. C. No. 31076. Sample No. 84663-K.)

INFORMATION FILED: May 8, 1951, Northern District of Indiana, against Thompson Milk Co., Inc., Boswell, Ind., and John D. Thompson, president and general manager.

ALLEGED SHIPMENT: On or about August 31, 1950, from the State of Indiana into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the use of dirty milk in its preparation and the presence in the product of insect and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions.

DISPOSITION: August 10, 1951. Pleas of nolo contendere having been entered, the corporation was fined \$200 and the individual \$100, together with costs.

17710. Adulteration of Swiss cheese. U. S. v. Vincent Lingg (Pine Crest Cheese Factory). Plea of guilty. Fine of \$400, plus costs, on count 1; fine of \$600 on count 2 suspended for 3 years. (F. D. C. No. 30582. Sample Nos. 57593-K, 57599-K.)

INFORMATION FILED: May 14, 1951, Northern District of Illinois, against Vincent Lingg, trading as the Pine Crest Cheese Factory, Polo, Ill.

ALLEGED SHIPMENT: Between the approximate dates of May 18 and June 1, 1950, from the State of Illinois into the State of Wisconsin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta, insect fragments, rodent hairs, and plant fragments resembling manure fragments; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 22, 1951. A plea of guilty having been entered, the court fined the defendant \$400, plus costs, on count 1 and \$600 on count 2. The fine on count 2 was suspended for 3 years.

17711. Adulteration of grated cheese. U. S. v. 3 Cases * * * (and 1 other seizure action). (F. D. C. No. 31016. Sample Nos. 10346-L, 10347-L.)

LIBELS FILED: June 5, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about April 24, 1951, by the Moss Food Products Corp., from North Bergen, N. J.

PRODUCT: 3 cases, each containing 24 1½-ounce jars, of imported Argentine Parmesan Style grated cheese, and 16 cases, each containing 24 1½-ounce jars, of Italian Romano and Domestic Romano Style grated cheese.

LABEL, IN PART: "Lee Brand Grated Cheese Imported Argentine Parmesan Style [or "Blend of Italian Romano and Domestic Romano Style Cheese"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Further adulteration (16 cases of Italian Romano and Domestic Romano Style grated cheese), Section 402 (b) (2), skim milk cheese had been substituted in whole or in part for a blend of Italian and Domestic Romano Style cheese.

DISPOSITION: July 10 and 13, 1951. Default decrees of condemnation and destruction.

EGGS AND EGG PRODUCTS

17712. Adulteration of frozen eggs. U. S. v. Ovson Egg Co. and Eugene P. Ovson. Pleas of nolo contendere. Corporation fined \$200 and individual defendant \$100, together with costs. (F. D. C. No. 31080. Sample No. 83343-K.)

INFORMATION FILED: April 24, 1951, District of Kansas, against the Ovson Egg Co., Kansas City, Kans., and Eugene P. Ovson, vice president.

ALLEGED SHIPMENT: On or about June 26, 1950, from the State of Kansas into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: June 1, 1951. Pleas of nolo contendere having been entered, the court fined the corporation \$200 and the individual defendant \$100, together with costs.

17713. Misbranding of dehydrated eggs and milk powder and refusal to permit inspection of factory premises. U. S. v. Coburn Farm Products Corp. and Julius J. Cohen. Pleas of guilty. Each defendant fined \$3,750; corporation fine remitted. (F. D. C. No. 28166. Sample Nos. 3891-K, 6182-K, 13472-K, 47571-K, 56256-K.)

INFORMATION FILED: April 26, 1950, Southern District of New York, against the Coburn Farm Products Corp., New York, N. Y., and Julius J. Cohen.

ALLEGED VIOLATION: On or about November 15, 1948, and January 18, February 9, and March 11, 1949, the defendants shipped dehydrated eggs and milk powder from the State of New York into the District of Columbia, Pittsburgh, and Philadelphia, Pa., and Baltimore, Md.

On March 4, 1949, Julius J. Cohen unlawfully refused a request made by an employee of the Food and Drug Administration for permission to enter and inspect the establishment of the Coburn Farm Products Corp., where food

was being processed, packed, and held for introduction into interstate commerce.

LABEL, IN PART: "Sondra Brand dehydrated whole eggs Contents: 8 Oz." or "Sondra Brand Grade A whole milk powder * * * Net Weight - 1 Pound or 453 Grams."

NATURE OF CHARGE: Misbranding, Section 403 (a), the contents of the cans of dehydrated eggs were substantially less than 8 ounces, and the contents of the cans of whole milk powder were substantially less than 16 ounces.

DISPOSITION: January 17, 1951. Pleas of guilty having been entered, the court fined each defendant \$3,750 but remitted the fine against the corporate defendant.

17714. Adulteration and misbranding of whole egg powder. U. S. v. 94 Cans
* * *. (F. D. C. No. 30745. Sample Nos. 24102-L, 25197-L.)

LIBEL FILED: March 12, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 15, 1951, by the New York Food Specialties Co., from New York, N. Y.

PRODUCT: 94 cans of whole egg powder at Philadelphia, Pa.

LABEL, IN PART: (Can) "Lakeview Brand Whole Egg Powder 8 Oz. Net Wt. Packed by Lakeview Dairy Products, Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and wood splinters.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared weight of 8 ounces.

DISPOSITION: August 29, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

17715. Adulteration of frozen fish (dabs). U. S. v. 4,359 Pounds * * *.
(F. D. C. No. 30403. Sample No. 24095-L.)

LIBEL FILED: January 25, 1951, Southern District of New York.

ALLEGED SHIPMENT: The fish were caught in the area designated as Western Banks, in the Atlantic Ocean, off the coast of Massachusetts, and were received at New York, N. Y., on or about December 28, 1950, from the fishing vessel "Clipper."

PRODUCT: 4,359 pounds of frozen fish (dabs) at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence therein of decomposed fish.

DISPOSITION: May 28, 1951. Default decree of condemnation and destruction.

17716. Adulteration and misbranding of fish roe. U. S. v. 28 Cases * * *.
(F. D. C. No. 31064. Sample No. 24869-L.)

LIBEL FILED: April 23, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 16, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 28 cases, each containing 24 15-ounce cans, of fish roe at Hanover, Pa.

LABEL, IN PART: (Can) "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label designation "Herring Roe" was false and misleading.

DISPOSITION: November 1, 1951. Default decree of condemnation and destruction.

17717. Adulteration of oysters. U. S. v. Morton W. Melnick (Loop Fish & Poultry Market). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 30600. Sample Nos. 75286-K to 75288-K, incl.)

INFORMATION FILED: May 14, 1951, District of Colorado, against Morton W. Melnick, trading as the Loop Fish & Poultry Market, Denver, Colo.

ALLEGED SHIPMENT: On or about November 3, 1950, from the State of New Jersey into the State of Colorado.

ALLEGED VIOLATION: On or about November 10, 1950, while the product was being held for sale after shipment in interstate commerce, the defendant caused a quantity of water to be added to the oysters, which act resulted in the product becoming adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance, water, had been substituted in part for shucked oysters; and, Section 402 (b) (4), water had been added to the product and mixed with it so as to increase its bulk and reduce its quality.

DISPOSITION: October 31, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$200.

17718. Adulteration of oysters. U. S. v. King Soopers, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 30602. Sample Nos. 94901-K to 94903-K, incl.)

INFORMATION FILED: June 12, 1951, District of Colorado, against King Soopers, Inc., Denver, Colo.

ALLEGED SHIPMENT: On or about November 4, 1950, from the State of Maryland into the State of Colorado.

ALLEGED VIOLATION: On or about November 10, 1950, while the product was being held for sale after shipment in interstate commerce, the defendant caused a quantity of water to be added to the oysters, which act resulted in the product becoming adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance, water, had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed with it so as to increase its bulk and reduce its quality.

DISPOSITION: November 8, 1951. A plea of guilty having been entered, the court fined the defendant \$200.

FRUITS AND VEGETABLES

CANNED FRUIT

17719. Adulteration of canned blueberries. U. S. v. Roy Allen (G. M. Allen & Son). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 31082. Sample No. 81437-K.)

INFORMATION FILED: April 27, 1951, District of Maine, against Roy Allen, trading as G. M. Allen & Son, North Sedgwick, Maine.

ALLEGED SHIPMENT: On or about August 21, 1950, from the State of Maine into the State of Pennsylvania.

LABEL, IN PART: (Can) "Allen's Maine Blueberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: June 27, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$100.

FROZEN FRUIT

17720. Adulteration of frozen strawberries. U. S. v. 16,456 Pounds * * *.

(F. D. C. No. 29531. Sample No. 78540-K.)

LIBEL FILED: August 17, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about July 26, 1950, by Frigid Frosted Foods, Inc., from Everett, Wash.

PRODUCT: 16,456 pounds of frozen strawberries at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten strawberries.

DISPOSITION: December 28, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion. 14,542 pounds of strawberries were salvaged and the remainder destroyed.

JAM

17721. Adulteration and misbranding of fruit spreads. U. S. v. 94 Cases, etc.

(F. D. C. No. 29684. Sample Nos. 42501-K to 42506-K, incl.)

LIBEL FILED: August 29, 1950, Northern District of Indiana; amended libel filed October 4, 1950.

ALLEGED SHIPMENT: On or about May 25, 1950, by the Milwaukee Preserve & Flavor Co., from Milwaukee, Wis.

PRODUCT: 94 cases of strawberry spread, 74 cases of black raspberry spread, 48 cases of blackberry spread, 23 cases of red raspberry spread, 23 cases of cherry spread, and 23 cases of pineapple spread at Gary, Ind. Each case contained 24 1-pound jars.

LABEL, IN PART: (Jar) "Steel City Brand * * * Strawberry [or "Black Raspberry," "Blackberry," "Red Raspberry," "Cherry," or "Pineapple"] Spread."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water, sugar, and artificial color had been added to the strawberry, red raspberry, and cherry spreads, and artificial flavor had been added to the strawberry, blackberry, and cherry spreads, and had been mixed and packed with the respective products so as to increase their bulk and weight and make them appear better and of greater value than they were.

Misbranding, Section 403 (g) (1), the products purported to be and were represented as fruit jams, and they failed to conform to the definitions and standards of identity for fruit jams since they were made from mixtures

composed of less than 45 parts by weight of the respective fruit ingredients to each 55 parts by weight of the saccharine ingredients; and the soluble-solids content was less than 68 percent, the minimum permitted by the standard. Further misbranding, Section 403 (g) (1), the strawberry, red raspberry, and cherry spreads contained artificial color, and the strawberry, blackberry, and cherry spreads contained artificial flavor, which are not permitted as optional ingredients in the definitions and standards of identity for fruit jam.

DISPOSITION: March 20, 1951. Default decree of forfeiture. The court ordered that the product be delivered to charitable institutions.

VEGETABLES

17722. Adulteration of canned red kidney beans. U. S. v. Tolerton & Warfield Co. (Norfolk Packing Co.). Plea of nolo contendere. Fine of \$1,000 and costs. (F. D. C. No. 31092. Sample Nos. 90121-K, 90123-K.)

INFORMATION FILED: September 13, 1951, District of Nebraska, against the Tolerton & Warfield Co., trading as the Norfolk Packing Co., at Plattsmouth, Nebr.

ALLEGED SHIPMENT: On or about September 8 and 22, 1950, from the State of Nebraska into the State of Missouri.

LABEL, IN PART: "La Platte Red Kidney Beans * * * Packed by Norfolk Packing Co., Plattsmouth, Nebr." or "Summer Girl Red Kidney Beans * * * The H. D. Lee Company, Inc. Distributors Kansas City, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, rodent hair fragments, and hairs resembling rodent hairs.

DISPOSITION: October 27, 1951. A plea of nolo contendere having been entered, the defendant was fined \$1,000 and costs.

17723. Adulteration of red kidney beans. U. S. v. 279 Bags * * *. (F. D. C. No. 30976. Sample No. 21892-L.)

LIBEL FILED: June 28, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 1, 1949, from New York, N. Y.

PRODUCT: 279 100-pound bags of red kidney beans at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The product was adulterated while held for sale after shipment in interstate commerce..

DISPOSITION: August 23, 1951. The Worldwide Food Products Corp., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the adulterated portion from the nonadulterated and conversion of the adulterated portion into animal feed, under the supervision of the Federal Security Agency.

17724. Misbranding of canned green beans. U. S. v. 250 Cases * * *. (F. D. C. No. 30870. Sample No. 28902-L.)

LIBEL FILED: April 12, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about February 23, 1951, by the Lebanon Packing Co., from Lebanon, Oreg.

PRODUCT: 250 cases, each containing 24 cans, of green beans at Providence, R. I.

LABEL, IN PART: (Can) "Whatcom Brand Northwest Blue Lakes Cut Green Beans C. S. Kale Canning Company Everson Washington."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard in quality because of excessive tough strings, and the label failed to bear, as specified by the regulations, a statement that the product fell below such standard.

DISPOSITION: August 2, 1951. Default decree of condemnation. The court ordered that the product be delivered to public or charitable institutions for their own use and not for resale.

17725. Adulteration of frozen green peas. U. S. v. 98 Cases * * *. (F. D. C. No. 31044. Sample No. 28110-L.)

LIBEL FILED: April 9, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about October 17, 1950, by Lamb Weston, Inc., from Walla Walla, Wash.

PRODUCT: 98 cases, each containing 36 12-ounce packages, of frozen green peas at San Francisco, Calif.

LABEL, IN PART: (Package) "Fresh Frozen Flav-R-Pac Green Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 10, 1951. Default decree of condemnation and destruction.

17726. Adulteration of yellow split peas. U. S. v. 47 Bags * * *. (F. D. C. No. 30993. Sample No. 28348-L.)

LIBEL FILED: June 14, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about November 18, 1949, from Spokane, Wash.

PRODUCT: 47 100-pound bags of yellow split peas at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 8, 1951. Default decree of condemnation and destruction.

17727. Adulteration of canned spinach. U. S. v. 40 Cases * * *. (F. D. C. No. 31054. Sample No. 12193-L.)

LIBEL FILED: April 12, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 28, 1951, by the Larsen Co., from Green Bay, Wis.

PRODUCT: 40 cases, each containing 24 13-ounce cans, of spinach at Cincinnati, Ohio.

LABEL, IN PART: "Freshlike Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), pieces of wood had been substituted in whole or in part for spinach.

DISPOSITION: August 1, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

17728. Adulteration and misbranding of canned tomatoes. U. S. v. Howard S. Waymire (New Madison Canning Co.). Plea of guilty. Fine, \$400.
(F. D. C. No. 31101. Sample No. 59348-K.)

INFORMATION FILED: June 13, 1951, Southern District of Ohio, against Howard S. Waymire, trading as the New Madison Canning Co., from New Madison, Ohio.

ALLEGED SHIPMENT: On or about September 23, 1950, from the State of Ohio into the State of Illinois.

LABEL, IN PART: (Can) "SU-Z-Q Tomatoes Royal Blue Stores Inc. Distributors-Chicago."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear the common or usual name of the optional ingredient present in the product since the product contained liquid strained from the residue from preparing tomatoes for canning, consisting of peelings and cores; and the label failed to bear, as required by the definition and standard of identity, a statement to that effect.

DISPOSITION: June 26, 1951. A plea of guilty having been entered, the court fined the defendant \$400.

17729. Adulteration of tomato juice. U. S. v. 150 Cases (and 1 other seizure action). (F. D. C. Nos. 30253, 30254. Sample Nos. 91766-K, 91767-K.)

LIBELS FILED: November 17, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about September 20 and 21, 1950, by the Comstock Canning Co., from Fairport, N. Y.

PRODUCT: Tomato juice. 150 cases at Paterson, N. J., and 73 cases at Newark, N. J. Each case contained 12 1-quart, 14-fluid-ounce cans.

LABEL, IN PART: "Fall Leaf * * * Tomato Juice" and "Wise-Kind * * * Fancy Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 28, 1951. The Comstock Canning Co., claimant, having consented to the entry of a decree and the cases having been consolidated for trial, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 44 cases of the product were segregated and released as fit for human consumption (112 cases of the product were actually seized).

17730. Adulteration and misbranding of tomato puree. U. S. v. 497 Cases * * *.
(F. D. C. No. 31019. Sample Nos. 12788-L, 12794-L.)

LIBEL FILED: June 4, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about January 26, 1951, by the McMahon Sales Co., from Cucamonga, Calif.

PRODUCT: 497 cases of tomato puree at Denver, Colo.

LABEL, IN PART: "For All Brand Tomato Puree Net Weight 6 lb., 8 oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared weight of 6 pounds, 8 ounces.

DISPOSITION: July 26, 1951. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that 62 cases be sold for use as animal feed and that 367 cases be relabeled under the supervision of the Food and Drug Administration to show the correct weight.

NUTS

17731. Adulteration of Spanish peanuts. U. S. v. 123 Bags * * *. (F. D. C. No. 31014. Sample No. 28187-L.)

LIBEL FILED: May 28, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about October 21, 1950, from Pearsall, Tex.

PRODUCT: 123 120-pound bags of Spanish peanuts at San Jose, Calif., in possession of the Chase Candy Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 10, 1951. The Chase Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the fit portion and conversion of the unfit portion into stock feed, under the supervision of the Food and Drug Administration. The rejected portion, amounting to 4,800 pounds, was denatured for use as animal feed.

17732. Adulteration of Spanish peanuts. U. S. v. 49 Bags * * *. (F. D. C. No. 30441. Sample No. 9873-L.)

LIBEL FILED: On or about February 26, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 8, June 27, and July 21, 1950, by the Gorman Peanut Co., from Gorman, Tex.

PRODUCT: 49 120-pound bags of Spanish peanuts at Chicago, Ill.

NATURE OF CHARGE: Adulteration. Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and dirt, and it was otherwise unfit for food by reason of the presence of stones and sand.

DISPOSITION: September 12, 1951. The sole intervener having withdrawn his appearance, a default decree of condemnation was entered and the court or-

dered that the product be denatured and sold for use other than for use as human or animal food; otherwise the product was to be destroyed. It was destroyed.

17733. Adulteration of pecan pieces. U. S. v. 8 Boxes * * *. (F. D. C. No. 31063. Sample No. 18362-L.)

LIBEL FILED: April 24, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about March 2, 1951, by the Natchez Pecan Shelling Co., from Natchez, Miss.

PRODUCT: 8 60-pound boxes of pecan pieces at Los Angeles, Calif.

LABEL, IN PART: "Dixie's Best Selected Shelled Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed pecan pieces.

DISPOSITION: June 14, 1951. Default decree of condemnation and destruction.

17734. Adulteration of pecan pieces. U. S. v. 3 Cases * * *. (F. D. C. No. 31026. Sample No. 3973-L.)

LIBEL FILED: On or about May 1, 1951, Western District of Virginia.

ALLEGED SHIPMENT: On or about March 8, 1951, by the South Georgia Pecan Shelling Co., from Valdosta, Ga.

PRODUCT: 3 30-pound cases of pecan pieces at Roanoke, Va.

LABEL, IN PART: "The Pick of the Crop Nature's Finest Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed pecan pieces.

DISPOSITION: July 19, 1951. Default decree of condemnation and destruction.

OLEOMARGARINE

17735. Sale of colored oleomargarine as butter. U. S. v. Samuel Joseph Lafata (Sam Joseph), and Carl Mannone. Plea of guilty by Samuel Joseph Lafata; fine, \$750. Plea of nolo contendere by Carl Mannone; fine of \$250 and prison sentence of 1 year. Prison sentence suspended and Defendant Mannone placed on probation for 1 year. (F. D. C. No. 30576. Sample Nos. 16331-K, 16333-K, 16334-K, 16336-K, 16337-K.)

INFORMATION FILED: April 26, 1951, Eastern District of Michigan, against Samuel Joseph Lafata, also known as Sam Joseph, and Carl Mannone, Detroit, Mich.

ALLEGED VIOLATION: On or about October 3, 9, and 11, 1950, at Detroit, Mich., the defendants sold a number of packages of colored oleomargarine which was labeled as butter.

LABEL, IN PART: "One Pound Net Butter Manufactured By The Smithton Creamery Division Central Mo. Milk Cooperative Smithton, Missouri."

NATURE OF CHARGE: Colored oleomargarine was sold in violation of Section 407 (b) (3) (A), in that the word "oleomargarine" or "margarine" did not appear on the labels of the packages containing the product; and, Section 407 (b) (3) (B), in that a full and accurate statement of all the ingredients contained in the product did not appear on the labels of the packages. The packages bore no statement of the ingredients contained in the colored oleomargarine.

DISPOSITION: On June 12, 1951, Carl Mannone having entered a plea of nolo contendere to count 2 of the information, the court fined this defendant \$250 on that count and sentenced him to 1 year in prison. The prison sentence was suspended, however, and he was placed on probation for 1 year. On July 17, 1951, Samuel Joseph Lafata having entered a plea of guilty to the remaining 3 counts, the court fined him \$750.

17736. Adulteration of colored oleomargarine. U. S. v. 293 Cases * * *.
(F. D. C. No. 30997. Sample No. 28524-L.)

LIBEL FILED: June 19, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about November 5, 1950, from Cincinnati, Ohio.

PRODUCT: 293 cases, each containing 24 cartons, of colored oleomargarine at Daly City, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 3, 1951. Western Dairy Products, Inc., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into tallow, under the supervision of the Federal Security Agency.

POULTRY

17737. Adulteration of dressed poultry. U. S. v. Joe Sheehan (Sheehan Produce). Plea of guilty. Fine of \$200, plus costs. (F. D. C. No. 31069. Sample Nos. 89877-K, 89883-K.)

INFORMATION FILED: June 19, 1951. Northern District of Iowa, against Joe Sheehan, trading as Sheehan Produce, at Le Mars, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of September 1 and 20, 1950, from the State of Iowa into the State of Nebraska.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

DISPOSITION: June 19, 1951. A plea of guilty having been entered, the court fined the defendant \$200, plus costs.

17738. Adulteration of dressed poultry. U. S. v. 6 Second-hand Crates * * *.
(F. D. C. No. 30919. Sample No. 4886-L.)

LIBEL FILED: April 12, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 5, 1951, by the New Hampshire Poultry Co., from Manchester, N. H.

PRODUCT: 6 second-hand crates, each containing approximately 65 pounds of dressed poultry at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds that were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: May 21, 1951. Default decree of condemnation. The court ordered that the unfit portion of poultry be segregated from the fit portion, under the supervision of the Federal Security Agency; that the fit portion be

delivered to a charitable institution; and that the unfit portion be destroyed. Four crates of poultry were salvaged as fit.

17739. Misbranding of canned boned chicken. U. S. v. 63 Cartons * * *.
(F. D. C. No. 30874. Sample No. 24598-L.)

LIBEL FILED: March 27, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about August 2, 1950, by Harp Foods Mfg., Inc., from Shawnee, Okla.

PRODUCT: 63 cartons, each containing 18 2-pound, 3-ounce cans, of boned chicken at Jersey City, N. J.

LABEL, IN PART: (Can) "Harp's Oklahoma Brand Boned Chicken."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Boned Chicken" was false and misleading since the product contained bones.

DISPOSITION: June 8, 1951. Harp Foods Mfg., Inc., an Oklahoma corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling to indicate that it contained boned chicken meat with imbedded bones of chicken, under the supervision of the Federal Security Agency.

SPICES, FLAVORS, AND SEASONING MATERIALS

17740. Adulteration of red pepper hulls. U. S. v. 2 Unlabeled Barrels * * *.
(F. D. C. No. 30986. Sample No. 31077-L.)

LIBEL FILED: June 15, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 8, 1951, by John N. Wright, Jr., from Federalsburg, Md.

PRODUCT: 2 unlabeled barrels, each containing 500 pounds, of red pepper hulls at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 18, 1951. Default decree of condemnation and destruction.

17741. Adulteration and misbranding of popcorn seasoning. U. S. v. 11 Pails * * *.
(F. D. C. Nos. 30972, 30973. Sample No. 15578-L.)

LIBEL FILED: On or about July 6, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 13, 1950, by E. F. Drew Co., from Chicago, Ill.

PRODUCT: 11 50-pound pails of popcorn seasoning at St. Joseph, Mo.

LABEL, IN PART: "Cobee Pops Brand Popcorn Seasoning."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its disagreeable odor and taste. The product was adulterated while held for sale after shipment in interstate commerce.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient. The product was misbranded while in interstate commerce.

DISPOSITION: September 10, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

17742. Adulteration and misbranding of popcorn seasoning. U. S. v. 2 Pails
* * *. (F. D. C. No. 30974. Sample No. 15584-L.)

LIBEL FILED: On or about July 9, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 13, 1950, by E. F. Drew Co., from Chicago, Ill.

PRODUCT: 2 50-pound pails of popcorn seasoning at Kansas City, Mo.

LABEL, IN PART: "Cobee Pops Brand Popcorn Seasoning."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its disagreeable odor and taste. It was adulterated while held for sale after shipment in interstate commerce.

Misbranding, Section 403 (e) (1), the product was a food in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient. The product was misbranded while in interstate commerce.

DISPOSITION: August 31, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as hog feed.

17743. Misbranding of Mountain Dew seasoning. U. S. v. 100 Cases * * *.
(F. D. C. No. 30883. Sample No. 28910-L.)

LIBEL FILED: April 10, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about February 22, 1951, by Mountain Dew Seasoning, Inc., from Madison, Wis.

PRODUCT: 100 cases, each containing 4 1-gallon bottles, of Mountain Dew seasoning at Portland, Oreg.

LABEL, IN PART: (Bottle) "Mountain Dew Seasoning Contains: Distilled Water, Vegetable Juice, Sugar, Mono Sodium Glutamate and Salt."

NATURE OF CHARGE: Misbranding, Section 403 (k), the product contained a chemical preservative, sodium benzoate, and it failed to bear labeling stating that fact.

DISPOSITION: August 16, 1951. Arnold Carlson, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

17744. Adulteration and misbranding of vitamin tablets. U. S. v. 1 Drum
* * *. (F. D. C. No. 31011. Sample No. 15065-L.)

LIBEL FILED: May 24, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about January 26, 1951, by National Drug Laboratories, Inc., Chicago, Ill.

PRODUCT: 1 drum containing 41,400 vitamin tablets at Omaha, Nebr.

LABEL, IN PART: "Private Formula Control No. 04639 41,400 Special Formula Capsules #0 Clear Each Capsule contains: 2.0 Mg. Thiamin (2MDR) 2.0 Mg. Riboflavin (1MDR) * * * 9.0 Mg. Niacinamide."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine, riboflavin, and niacinamide, had been in whole or in part omitted or abstracted therefrom.

Misbranding, Section 403 (a), the label statement "Each Capsule contains: 2.0 Mg. Thiamin (2MDR) 2.0 Mg. Riboflavin (1MDR) * * * 9.0 Mg. Niacinamide" was false and misleading as applied to the article, which contained less than these amounts of the stated substances.

DISPOSITION: July 10, 1951. National Drug Laboratories, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

17745. Adulteration and misbranding of Stur-Dee vitamin tablets. U. S. v. 128 Bottles * * *. (F. D. C. No. 30928. Sample No. 24442-L.)

LIBEL FILED: April 17, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 8, 1951, by the Midwest Chemical Development Corp., from Cleveland Ohio.

PRODUCT: 128 bottles each containing 55 Stur-Dee vitamin tablets at Brooklyn, N. Y.

LABEL, IN PART: (Bottle) "Stur-Dee Brand 55 Tablets Natural Vitamin A & D Tablets * * * Each tablet contains: Vitamin A 5,000 USP Units."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, Vitamin A, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each tablet contains: Vitamin A 5,000 USP Units" was false and misleading as applied to an article containing less than the declared amount of vitamin A.

DISPOSITION: June 22, 1951. Default decree of condemnation and destruction.

17746. Adulteration and misbranding of Patheba vitamin tablets. U. S. v. 4 Cases * * *. (F. D. C. No. 30497. Sample No. 94470-K.)

LIBEL FILED: January 25, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about December 8, 1950, by the Brayten Pharmaceutical Co., from Chattanooga, Tenn.

PRODUCT: 4 cases, each containing 24 100-tablet bottles, of Patheba vitamin tablets at Mobile, Ala.

LABEL, IN PART: (Bottle) "Patheba Tabs * * * Each Tablet Contains * * * Thiamine Hydrochloride 2 Mg. * * * 13 Mg. Of Yeast Powder Containing 300 U. S. P. Units Vitamin D."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine hydrochloride and vitamin D, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each Tablet Contains * * * Thiamine Hydrochloride 2 Mg. * * * 13 Mg. Of Yeast Powder Containing 300 U. S. P. Units Vitamin D" was false and misleading since the product contained less than 2 milligrams of thiamine hydrochloride and less than 300 U. S. P. units of vitamin D per tablet.

DISPOSITION: June 29, 1951. The Brayten Pharmaceutical Co., claimant, having filed an answer admitting the material allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

17747. Adulteration of Dwarfies toasted wheat germ. U. S. v. 13 Cases * * *.
(F. D. C. No. 30957. Sample No. 16181-L.)

LIBEL FILED: June 21, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 3 and May 8, 1951, by the Dwarfies Corp., from Council Bluffs, Iowa.

PRODUCT: 13 cases, each containing 12 12-ounce jars, of Dwarfies toasted wheat germ at Kansas City, Mo.

LABEL, IN PART: "Dwarfies Toasted Wheat Germ."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent excreta.

DISPOSITION: August 10, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS FOODS

17748. Adulteration of banana-honey pulp. U. S. v. 226 Cases * * *.
(F. D. C. No. 31059. Sample No. 6887-L.)

LIBEL FILED: April 17, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 21, 1946, from Laredo, Tex.

PRODUCT: 226 cases, each containing 6 6-pound, 8-ounce cans, of banana-honey pulp at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

17749. Misbranding of Manah stabilizer. U. S. v. 30 Cans, etc. (F. D. C. No. 30885. Sample Nos. 31266-L to 31270-L, incl.)

LIBEL FILED: April 3, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 18, 1950, and January 11 and 23, 1951, by Whitaker Manah, from Tulsa, Okla.

PRODUCT: Manah stabilizer. 30 50-pound cans; 107 cartons, each containing 24 packages; 15 cartons, each containing 48 packages; and 15 cartons, each containing 72 packages, at Glendale, Mo., together with a number of leaflets entitled "Preserve The Quality And Appearance Of Your Fresh Meats" which were shipped in the cartons with the article; a number of leaflets entitled "Directions for Using Manah" which were shipped by Whitaker Manah, from Tulsa, Okla., during December 1950; and a number of leaflets entitled "How You Can Use Manah Meat Stabilizer" which were printed at St. Louis, Mo., on instructions of Whitaker Manah and which were delivered by the printer to the consignee.

LABEL, IN PART: (Can) "Manah Stabilizer Preservative and Seasoning" and (package) "Manah A Stabilizer and Seasoning * * * Net Weight 7¾ Oz. or Over."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statements which appeared in the labeling, namely, (package label) “* * * Stabilizer * * * Cooks *In* the fats * * * stabilize * * * Avoid usual loss in weight from electric refrigeration * * *,” (can label) “* * * Stabilizer * * * ‘Cooks-In’ the fats * * * Avoid usual loss in weight from electric refrigeration * * *,” and (in leaflet entitled “Preserve The Quality And Appearance Of Your Fresh Meats”) “Stabilizer Solution * * * Meat Stabilizer * * * Stabilizer,” were false and misleading since the product would not be effective for the purposes stated. Further misbranding, Section 403 (a), certain statements on the package label, on the can label, and in the leaflets entitled “Preserve The Quality And Appearance Of Your Fresh Meats” and “Directions for using Manah” were misleading since the labeling failed to reveal in the light of such statements the material fact that the addition of Manah to meat may result in making the meat so treated appear to be better and of greater value than it is, in that the usual indices used by purchasers of meat in detecting spoilage and decomposition, namely, appearance, odor, and flavor, can no longer be used; and the labeling failed also to reveal in the light of such statements the fact, material with respect to consequences which may result from the use of Manah as directed, namely, that such use will cause meat so treated to contain added water. The product was misbranded in the above-stated manner when shipped in interstate commerce.

The product was further misbranded under Section 403 (a) while held for sale after shipment in interstate commerce in that the statements in the leaflets entitled “How You Can Use Manah Meat Stabilizer” were false and misleading since the statements failed to reveal that the use of the article may result in making meat so treated appear to be better and of greater value than it is; and the statements failed also to reveal that meat so treated as directed would contain added water.

DISPOSITION: May 2, 1951. Default decree of condemnation and destruction.

17750. Adulteration and misbranding of coal-tar color. U. S. v. 2 Cans * * *.
(F. D. C. No. 31018. Sample No. 28186-L.)

LIBEL FILED: June 5, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about January 12, 1951, by American Aniline Products, Inc., from Chicago, Ill.

PRODUCT: 2 1-pound cans of coal-tar color at San Francisco, Calif. Examination disclosed that the article contained FD&C Green No. 1, a coal-tar color which is certifiable but which had not been certified in accordance with the regulations.

LABEL, IN PART: “FD&C Green No. 1. A Coal-Tar Dye Part of a Certified Lot No. E 4888 One Pound.”

NATURE OF CHARGE: Adulteration, Section 402 (c), the product contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

Misbranding, Section 403 (a), the label statement “Certified colors * * * Part of Certified Lot No E 4888 * * * Certified food color” was false and misleading.

DISPOSITION: August 8, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17701 TO 17750

PRODUCTS

	N. J. No.		N. J. No.
Bakery product_____	¹ 17703	Kidney beans (in bags)_____	17723
Banana-honey pulp_____	17748	canned_____	17722
Beans, green, canned_____	17724	Manah stabilizer_____	17749
kidney (in bags)_____	17723	Milk powder_____	17713
canned_____	17722	Mountain Dew seasoning_____	17743
Blackberry jam_____	17721	Nuts_____	17731-17734
Blueberries, canned _____	17719	Oleomargarine_____	17735, 17736
Butter _____	17707	Oysters_____	17717, 17718
Cake_____	¹ 17703	Patheba vitamin tablets_____	17746
Candy_____	17701, 17702	Peanuts, Spanish_____	17731, 17732
Cereals and cereal products___	¹ 17703-17706	Peas, frozen_____	17725
		split, yellow_____	17726
Cheese_____	17708-17711	Pecan pieces_____	17733, 17734
grated _____	17711	Pepper hulls, red_____	17740
Swiss _____	17710	Pineapple jam_____	17721
Cherry jam_____	17721	Popcorn seasoning_____	17741, 17742
Chicken. <i>See</i> Poultry.		unpopped_____	17705, 17706
Coal-tar color_____	17750	Poultry, boned, canned_____	17739
Color, coal-tar_____	17750	dressed_____	17737, 17738
Dairy products_____	17707-17711, 17713	Raspberry jam_____	17721
Dwarfies toasted wheat germ____	17747	Roe, fish_____	17716
Easter eggs, candy_____	17701	Shellfish. <i>See</i> Fish and shellfish.	
Egg(s), dehydrated_____	17713	Spanish peanuts_____	17731, 17732
frozen_____	17712	Spices, flavors, and seasoning	
powder, whole_____	17714	materials_____	17740-17743
Fish and shellfish_____	17715-17718	Spinach, canned_____	17727
Flavors. <i>See</i> Spices, flavors, and		Stabilizer, Manah_____	17749
seasoning materials.		Strawberries, frozen_____	17720
Flour _____	17704	Strawberry jam_____	17721
Fruits and vegetables_____	17719-17730	Stur-Dee vitamin tablets_____	17745
fruit, canned_____	17719	Swiss cheese_____	17710
frozen _____	17720	Tomato(es), canned_____	17728
jam_____	17721	juice_____	17729
tomatoes and tomato prod-		puree _____	17730
ucts _____	17728-17730	Vegetables. <i>See</i> Fruits and	
vegetables _____	17722-17727	vegetables.	
Jam, blackberry, cherry, pine-		Vitamin, mineral and other prod-	
apple, raspberry, and straw-		ucts of special dietary sig-	
berry _____	17721	nificance _____	17744-17747
		Wheat germ, Dwarfies_____	17747

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allen, Roy :		American Aniline Products, Inc. :	
canned blueberries_____	17719	coal-tar color_____	17750
Allen, G. M., & Son. <i>See</i> Allen,		Arrico, L. V. :	
Roy.		candy Easter eggs_____	17701

¹ (17703) Prosecution contested.

	N. J. No.		N. J. No.
Bennett, F. R., Sr.:		Lakeview Dairy Products, Inc.:	
butter-----	17707	whole egg powder-----	17714
Bennett Creamery Co.:		Lamb Weston, Inc.:	
butter-----	17707	frozen green peas-----	17725
Bennett's Wholesale Distribu-		Larsen Co.:	
tors:		canned spinach-----	17727
flour-----	17704	Lebanon Packing Co.:	
Boat "Clipper":		canned green beans-----	17724
frozen fish (dabs)-----	17715	Lee, H. D., Co., Inc.:	
Brayten Pharmaceutical Co.:		canned red kidney beans-----	17722
Patheba vitamin tablets-----	17746	Lingg, Vincent:	
Cape King Fisheries, Inc.:		Swiss cheese-----	17710
fish roe-----	17716	Loop Fish & Poultry Market. <i>See</i>	
Central Popcorn Co.:		Melnick, M. W.	
unpopped popcorn-----	17705	McDonell, E. W., Inc.:	
Chase Candy Co.:		candy Easter eggs-----	17701
Spanish peanuts-----	17731	McMahon Sales Co.:	
Christians, H. C., Co.:		tomato puree-----	17730
butter-----	17707	Manah, Whitaker:	
Coburn Farm Products Corp.:		Manah stabilizer-----	17749
dehydrated eggs and ' milk		Mannone, Carl:	
powder-----	17713	oleomargarine-----	17735
Cohen, J. J.:		Melnick, M. W.:	
dehydrated eggs and milk		oysters-----	17717
powder-----	17713	Midwest Chemical Development	
Comstock Canning Co.:		Corp.:	
tomato juice-----	17729	Stur-Dee vitamin tablets-----	17745
Copperthite Pie Corp.:		Milwaukee Preserve & Flavor	
cake-----	¹ 17703	Co.:	
Drew, E. F., Co.:		fruit spreads-----	17721
popcorn seasoning-----	17741, 17742	Moss Food Products Corp.:	
Dwarfies Corp.:		grated cheese-----	17711
Dwarfies toasted wheat germ--	17747	Mountain Dew Seasoning, Inc.:	
Frigid Frosted Foods, Inc.:		Mountain Dew seasoning-----	17743
frozen strawberries-----	17720	Natchez Pecan Shelling Co.:	
Gilliam Candy Co.:		pecan pieces-----	17733
candy-----	17702	National Drug Laboratories,	
Gorman Peanut Co.:		Inc.:	
Spanish peanuts-----	17732	vitamin tablets-----	17744
Harp Foods Mfg., Inc.:		New Hampshire Poultry Co.:	
canned boned chicken-----	17739	dressed poultry-----	17738
Joseph, Sam. <i>See</i> Lafata, S. J.		New Madison Canning Co. <i>See</i>	
Kale, C. S., Canning Co.:		Waymire, H. S.	
canned green beans-----	17724	New York Food Specialties Co.:	
King Soopers, Inc.:		whole egg powder-----	17714
oysters-----	17718	Norfolk Packing Co. <i>See</i> Toler-	
Lafata, S. J.:		ton & Warfield Co.	
oleomargarine-----	17735	Ovson, E. P.:	
		frozen eggs-----	17712

¹ (17703) Prosecution contested.

	N. J. No.		N. J. No.
Ovson Egg Co.:		Smithton Creamery, Div. Cen-	
frozen eggs-----	17712	tral Mo. Milk Cooperative:	
Pine Crest Cheese Factory. <i>See</i>		oleomargarine-----	17735
Lingg, Vincent.		South Georgia Pecan Shelling	
Royal Blue Stores, Inc.:		Co.:	
canned tomatoes-----	17728	pecan pieces-----	17734
Ruhland, R. H.:		Thompson, J. D.:	
Cheddar cheese-----	17708	Cheddar cheese-----	17709
Ryan, J. P.:		Thompson Milk Co., Inc.:	
candy-----	17702	Cheddar cheese-----	17709
Seneca Cheese Co. <i>See</i> Ruh-		Tolerton & Warfield Co.:	
land, R. H.		canned red kidney beans-----	17722
Shafer, Allen J., Co.:		Waymire, H. S.:	
candy Easter eggs-----	17701	canned tomatoes-----	17728
Sheehan, Joe:		Wright, J. N., Jr.:	
dressed poultry-----	17737	red pepper hulls-----	17740
Sheehan Produce. <i>See</i> Sheehan,		Wyandot Popcorn Co.:	
Joe.		unpopped popcorn-----	17706

The Official Text of Federal Government
Emergency Control Regulations on prices,
wages, production, transportation, hous-
ing, finance, fuels, minerals, etc., is
published in the daily *Federal Register*.
The *Federal Register* is the only periodical
in which publication of *All* emergency
control regulations is required by law.

The Federal Register publishes daily the full text of Presidential
Proclamations and Executive orders and any order, regulation, notice,
or similar document promulgated by Federal administrative agencies
which has general applicability and legal effect. A sample copy may
be obtained on request to the Federal Register, Washington 25, D. C.

Order from the Superintendent of Documents, United States Govern-
ment Printing Office, Washington 25, D. C. Subscription: \$1.50 per
month, \$15 per year.

FEDERAL REGISTER
THE NATIONAL ARCHIVES
OF THE UNITED STATES
VOLUME 16
1934
NUMBER 207
Washington, Wednesday, October 24, 1951

TITLE 7—AGRICULTURE	
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture	
PART 994—PEANUTS GROWN IN GEORGIA, ALABAMA, MISSISSIPPI, AND SOUTH CAROLINA	Page
Grade and size regulation	10043
Pursuant to Marketing Agreement No. 111 and Order No. 94, regulating the handling of peanuts grown in Georgia, Alabama, Mississippi, and South Carolina, (7 CFR Part 994) effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of information submitted by the Peanut Administrative Committee established under the order.	10043
Emergency regulation, effective October 24, 1951, whereby found that to establish the grade and size regulation hereinafter provided will tend to effectuate the declared policy of the act.	10043
The Department finds that it is unnecessary and contrary to the public interest to promulgate any regulation, except in public rule making, which shall become the effective date of this order until thirty (30) days after publication in the <i>Federal Register</i> , for the reasons that (1) the handling of 1951 crop peanuts is manifest within the production area, and it is desirable that the grade and size regulation be established on an emergency basis prior to the handling of the peanuts; (2) the grade and size regulation prescribed herein is based on the revised U. S. Standards for Peanuts in No. 1 Shell issued by the Department on June 24, 1951, and effective October 1, 1951; and (3) the Department has received information from its inspectors for peanuts that have been sent to processors for the 1951 crop season on the basis of the revised standards; (4) the adoption of the grade and size regulation provided herein will not result in any substantial changes in the minimum grade and size requirements in effect during the past season; (5) the establishment of the grade and size regulation for the 1951 crop of peanuts based on this U. S. standards which became	10043
Effective October 1, 1951 rather than on the basis of the revised standards, has been discussed and approved by the Peanut Administrative Committee and the Handlers Advisory Council; (3) no preparation for compliance with the grade and size regulation herein is necessary which cannot be made within the prescribed time; (4) the time of publication is permitted under the circumstances, for preparation for such effective time. Therefore, good cause exists for this order later than three days after the date of its publication in the <i>Federal Register</i> .	10043
§ 994.102 Grade and size regulation. (a) The grade and size regulation, effective October 24, 1951, shall be as follows: (1) Unless such peanuts have a count per pound of less than 91 nuts, and the nut sample weigh at least 1.5 ounces; and (2) In addition, meet requirements of the U. S. Commercial grade as established for peanuts for export on October 1, 1951, as modified for the purposes of this grade and size regulation with respect to the minimum percentage of kernels required to meet the requirements of the U. S. No. 1 grade and the maximum tolerance for kernels which may be very seriously damaged and unfit for human consumption of this paragraph. (3) The peanuts shall consist of peanuts in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 75 percent, by count, of the peanuts in any lot shall have kernels which meet the requirements of the U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, (Continued on next page)	10043
Contents	Page
Agriculture Department	10043
Production and Marketing Administration	10043
Alien Property, Office of	10043
Notices	10043
Vesting orders, etc.	10043
Aufiol, Albert and Andre	10043
Drendel & Zwilling	10043
Falk, Rudolph, and Baronesse	10043
Jane Loeffelholz von Colberg	10043
Kremer, Joseph, et al.	10043
Laubs, Joseph, et al.	10043
Poudjian, et al.	10043
Moser, Wilhelm	10043
Oettinger, William	10043
Muller, E. O.	10043
Rapp, Claire	10043
Ruehling, Emile August and	10043
Saxen, Hans Roland Raymond	10043
Simoni, Mathilde	10043
Suchl, Walter	10043
Theuerkauf, Johann Ernst	10043
Otto, et al.	10043
Widellhaus, Alma	10043
Army Department	10043
Regulations	10043
Proposed rule making:	10043
Specific course	10043
Conditions for enrollment in a	10043
Civil Aeronautics Board	10043
Notice:	10043
Pan American World Airways, Inc.; hearing	10043
Commerce Department	10043
See Foreign-Trade Zones Board	10043
Customs Bureau	10043
Proposed rule making:	10043
Rate of compensation for overtime; night service	10043
Defense Department	10043
Economic Stabilization Agency	10043
See Price Stabilization, Office of; Wage Stabilization Board	10043
Federal Civil Defense Administration	10043
Interpretation	10043
Rules and regulations:	10043
Contractual standards to be followed	10043

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17751-17800

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 24, 1952.

CONTENTS

	Page		Page
Cereals and cereal products.....	372	Fruits and vegetables.....	380
Bakery product.....	372	Dried fruit.....	380
Flour.....	372	Frozen fruit.....	381
Miscellaneous cereals and cereal products.....	373	Jelly.....	382
Dairy products.....	374	Vegetables.....	383
Butter.....	374	Tomatoes and tomato products..	384
Cheese.....	376	Poultry.....	385
Miscellaneous dairy product....	378	Spices, flavors, and seasoning materials.....	387
Eggs.....	378	Vitamin, mineral, and other products of special dietary significance.....	388
Feeds and grains.....	379		
Fish and shellfish.....	380		

371

CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCT**

17751. Adulteration of bread. U. S. v. Fletcher Peek (Peek's Bakery). Plea of guilty. Fine of \$50 and costs. (F. D. C. No. 31105. Sample No. 10783-L.)

INFORMATION FILED: July 9, 1951, Southern District of Indiana, against Fletcher Peek, trading as Peek's Bakery, Rockport, Ind.

ALLEGED SHIPMENT: On or about March 1, 1951, from the State of Indiana into the State of Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 1, 1951. A plea of guilty having been entered, the defendant was fined \$50, together with costs.

FLOUR

17752. Adulteration of flour. U. S. v. 47 Bags * * *. (F. D. C. No. 31412. Sample Nos. 5693-L, 5702-L.)

LIBEL FILED: August 3, 1951, District of New Hampshire.

ALLEGED SHIPMENT: On or about March 15, 1951, from Buffalo, N. Y.

PRODUCT: 47 100-pound bags of flour at Bow (Concord), N. H.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 23, 1951. Merrimack Farmers' Exchange, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

17753. Adulteration of flour and rice. U. S. v. 14 Bags, etc. (F. D. C. No. 31136. Sample Nos. 1018-L to 1021-L, incl.)

LIBEL FILED: May 18, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 17 and 22 and March 8, 1951, from Stuttgart, Ark.

PRODUCT: 59 25-pound bags of flour and 20 100-pound bags of rice at Orlando, Fla., in the possession of Chitty & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence therein of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 8, 1951. Chitty & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregating and denaturing the unfit portion, for use as animal feed, under the supervision of the Food and Drug Administration. 150 pounds of flour and 100 pounds of rice were salvaged, and 1,350 pounds of flour and 1,900 pounds of rice were converted into animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

17754. Adulteration of rice, brewers rice, and rice grits. U. S. v. River Brand Rice Mills, Inc., and Joel E. Broussard. Pleas of nolo contendere. Corporation fined \$1,700; individual defendant fined \$300. (F. D. C. No. 31119. Sample Nos. 1810-L, 32164-L, 32283-L.)

INFORMATION FILED: August 16, 1951, Western District of Tennessee, against River Brand Rice Mills, Inc., Memphis, Tenn., and Joel E. Broussard, plant manager.

ALLEGED SHIPMENT: On or about January 16 and 23 and March 3, 1951, from the State of Tennessee into the States of Illinois and South Carolina.

LABEL, IN PART: "Big Value Rice Milled Expressly For Thomas & Howard Company Allendale, S. C." and "Rice * * * River Brand Rice Mills, Inc. Memphis, Tenn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 7, 1951. Pleas of nolo contendere having been entered, the corporation was fined \$1,700 and the individual defendant \$300.

17755. Adulteration of rice. U. S. v. 119 Bags, etc. (F. D. C. No. 31170. Sample Nos. 17065-L to 17067-L, incl.)

LIBEL FILED: May 31, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about December 7 and 19, 1950, from Stuttgart, Ark.

PRODUCT: 169 100-pound bags of rice at Los Angeles, Calif., in the possession of Casaus Bros.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 20, 1951. Casaus Bros., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for cleaning and reconditioning under the supervision of the Food and Drug Administration. 12,174 pounds of the product were salvaged, and 2,702 pounds which were rejected were denatured.

*See also No. 17752.

17756. Adulteration of unpopped popcorn. U. S. v. Wyandot Popcorn Co., a corporation, and W. Hoover Brown. Pleas of guilty. Corporation fined \$375 and individual defendant fined \$125, together with costs. (F. D. C. No. 31112. Sample Nos. 997-L, 2867-L, 11561-L, 11866-L, 11867-L.)

INFORMATION FILED: July 3, 1951, Northern District of Ohio, against the Wyandot Popcorn Co., Marion, Ohio, and W. Hoover Brown, president.

ALLEGED SHIPMENT: Between the approximate dates of December 15, 1950, and February 2, 1951, from the State of Ohio into the States of Kentucky, Florida, and West Virginia.

LABEL, IN PART: "South American Yellow Hybrid Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, and insect- and rodent-damaged kernels; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 13, 1951. Pleas of guilty having been entered, the corporation was fined \$375 and the individual defendant \$125, together with costs.

DAIRY PRODUCTS

BUTTER

17757. Adulteration and misbranding of butter. U. S. v. John J. Killeas (Farmers Creamery Co.), and Forrest G. Miller. Pleas of nolo contendere. Each defendant fined \$100, plus costs. (F. D. C. No. 31120. Sample Nos. 73864-K, 73865-K, 10114-L.)

INFORMATION FILED: September 6, 1951, District of Nebraska, against John J. Killeas, trading as the Farmers Creamery Co., and Forrest G. Miller, plant manager.

ALLEGED SHIPMENT: On or about August 10, 1950, and January 23, 1951, from the State of Nebraska into the States of Illinois and New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), an article which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (1), the label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (1), the label failed to bear the common or usual name of the article.

DISPOSITION: October 22, 1951. Pleas of nolo contendere having been entered, the court fined each defendant \$100, plus costs.

17758. Adulteration of butter. U. S. v. 45 Boxes (2,880 pounds) * * *. (F. D. C. No. 31241. Sample No. 31686-L.)

LIBEL FILED: May 14, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about May 3, 1951, by Petersen's Creamery, from St. Paul, Minn.

PRODUCT: 45 boxes, each containing 64 pounds, of butter at Galva, Ill.

LABEL, IN PART: "From Petersen's Creamery St. Paul Minn. * * * Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 21, 1951. The Galva Creamery Co., Galva, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

17759. Adulteration of butter. U. S. v. 10 Boxes, etc. (1,344 pounds, total).
(F. D. C. No. 31239. Sample No. 19563-L.)

LIBEL FILED: May 11, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 3, 1951, by the Farmers Cooperative Creamery Co., from Sauk Rapids, Minn.

PRODUCT: 21 boxes, each containing 64 pounds, of butter at Philadelphia, Pa.

LABEL, IN PART: (Carton) "Butter Distributed by C. W. Dunnet & Co. Phila., Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 24, 1951. C. W. Dunnet & Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Food and Drug Administration.

17760. Adulteration of butter. U. S. v. 20 Boxes (1,280 pounds) * * *.
(F. D. C. No. 31237. Sample No. 19405-L.)

LIBEL FILED: May 4, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 21, 1951, by the Zumbro Cooperative Creamery Co., from Byron, Minn.

PRODUCT: 20 boxes, each containing 64 pounds, of butter at Chicago, Ill.

LABEL, IN PART: "Butter L. D. Schreiber & Co. Inc. Sales Agent for The Marketing Association of America A Cooperative Distributors Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 9, 1951. The Marketing Association of America, a Wisconsin cooperative, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by reworking under the supervision of the Federal Security Agency.

17761. Adulteration of butter. U. S. v. 13 Boxes (728 pounds) * * *.
(F. D. C. No. 31240. Sample No. 19575-L.)

LIBEL FILED: May 4, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 27, 1951, by the St. Anthony Cooperative Creamery Assn., from Albany, Minn.

PRODUCT: 13 boxes, each containing 56 pounds, of butter at Springfield, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 31, 1951. The St. Anthony Cooperative Creamery Assn., Albany, Minn., claimant, having consented to the entry of a decree, judgment

of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

17762. Adulteration of butter. U. S. v. 290 Pounds * * *. (F. D. C. No. 31238. Sample No. 19408-L.)

LIBEL FILED: May 9, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 1, 1951, by the Petersburg Co-operative Creamery, from Jackson, Minn.

PRODUCT: 290 pounds of butter at Spirit Lake, Iowa.

LABEL, IN PART: "One Pound Net Petersburg Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 26, 1951. The Petersburg Co-operative Creamery, Jackson, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by reworking under the supervision of the Federal Security Agency.

17763. Adulteration of butter. U. S. v. 68 Cases * * *. (F. D. C. No. 31235. Sample No. 9073-L.)

LIBEL FILED: February 26, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 11, 1951, by Armour & Co., from Detroit, Mich.

PRODUCT: 68 cases, each containing 32 1-pound prints, of butter at Chicago, Ill.

LABEL, IN PART: (Print) "1 Lb. Net Weight * * * Spring Brook Brand Creamery Butter Armour Creameries Distributors Gen'l Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food because of its disagreeable odor and taste.

DISPOSITION: April 3, 1951. Fox De Luxe Foods, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing and disposal for other than food purposes, under the supervision of the Federal Security Agency.

CHEESE

17764. Adulteration and misbranding of grated cheese. U. S. v. 22 Cases, etc. (F. D. C. No. 31004. Sample No. 24770-L.)

LIBEL FILED: May 16, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 12, 1951, by the Moss Food Products Corp., from North Bergen, N. J.

PRODUCT: 22 cases, each containing 24 2-ounce jars, and 50 cases, each containing 24 4-ounce jars, of grated cheese at Scranton, Pa.

LABEL, IN PART: "Lee Brand Grated Blend of Italian Romano and Domestic Romano Style Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent

hairs; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), skim milk cheese had been substituted in whole or in part for a blend of Italian and Domestic Romano style cheese.

Misbranding, Section 403 (a), the label designation "Blend of Italian Romano and Domestic Romano Style Cheese" was false and misleading since the product was skim milk cheese.

DISPOSITION: October 29, 1951. Default decree of condemnation and destruction.

17765. Adulteration and misbranding of grated cheese. U. S. v. 15 Cases
* * *. (F. D. C. No. 31134. Sample No. 24147-L.)

LIBEL FILED: May 11, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 19, 1951, by the Moss Food Products Corp., from North Bergen, N. J.

PRODUCT: 15 cases, each containing 24 2-ounce glass tumblers, of grated cheese at New York, N. Y.

LABEL, IN PART: "Lee Brand Grated Blend of Italian Romano and Domestic Romano Style Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), skim milk cheese had been substituted in whole or in part for a blend of Italian and Domestic Romano style cheese.

Misbranding, Section 403 (a), the label statement "Blend of Italian Romano and Domestic Romano Style Cheese" was false and misleading.

DISPOSITION: May 31, 1951. No claimant having appeared, judgment of condemnation was entered and the court ordered that the product be destroyed, with the exception of two cases which were ordered delivered to the Food and Drug Administration.

17766. Adulteration and misbranding of grated cheese. U. S. v. 21 Cartons
* * *. (F. D. C. No. 31156. Sample No. 23711-L)

LIBEL FILED: May 23, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about April 5, 1951, by the Moss Food Products Corp., from North Bergen, N. J.

PRODUCT: 21 cartons, each containing 24 4-ounce jars, of grated cheese at Waterbury, Conn.

LABEL, IN PART: "Royal Seal Brand Grated Blend of Italian Romano and Domestic Romano Style Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), skim milk cheese had been substituted in whole or in part for a blend of Italian and Domestic Romano style cheese.

Misbranding, Section 403 (a), the label designation "Blend of Italian Romano and Domestic Romano Style Cheese" was false and misleading.

DISPOSITION: July 13, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCT

17767. Adulteration and misbranding of nonfat dry milk solids. U. S. v. Central Farm Products Co., a corporation, and Herman E. Reddy. Pleas of guilty. Corporation fined \$400 and costs; no fine assessed against individual defendant. (F. D. C. No. 31099. Sample Nos. 30754-L, 30755-L, 31553-L, 31554-L.)

INFORMATION FILED: June 14, 1951, Southern District of Iowa, against the Central Farm Products Co., Allerton, Iowa, and Herman E. Reddy, plant manager.

ALLEGED SHIPMENT: On or about October 6 and 7, 1950, from the State of Iowa into the State of Missouri.

LABEL, IN PART: "Roller Process Non-Fat Dry Milk Solids."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product made from neutralized sour skim milk had been substituted for nonfat dry milk solids. Misbranding, Section 403 (a), the label statement "Non-Fat Dry Milk Solids" was false and misleading since the product was not nonfat dry milk solids as defined by Section 321 (c) of the United States Code, but was a product made from neutralized sour skim milk.

DISPOSITION: September 17, 1951. Pleas of guilty having been entered by the defendants, the court fined the corporation \$400 and costs but assessed no fine against the individual defendant.

EGGS

17768. Adulteration of frozen eggs. U. S. v. Fairmont Foods Co. Plea of nolo contendere. Fine of \$250, together with costs. (F. D. C. No. 31106. Sample No. 9652-L.)

INFORMATION FILED: June 28, 1951, District of Nebraska, against the Fairmont Foods Co., a corporation, Omaha, Nebr.

ALLEGED SHIPMENT: On or about January 10, 1951, from the State of Nebraska into the State of Illinois.

LABEL, IN PART: "Fairmont Frozen Fresh Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 27, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$250, together with costs.

17769. Adulteration of frozen eggs. U. S. v. 400 Cans * * *. (F. D. C. No. 31217. Sample No. 25468-L.)

LIBEL FILED: June 21, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 5, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 400 30-pound cans of frozen eggs at Philadelphia, Pa.

LABEL, IN PART: "Kirby Kuality Frozen Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 19, 1951. The Orleans Poultry Co., Owensboro, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the fit portion be segregated from the unfit, under the supervision of the Food and Drug Administration. 220 30-pound cans of eggs were found to be fit for human consumption, and the remaining cans were denatured.

FEEDS AND GRAINS

17770. Adulteration and misbranding of dairy feed. U. S. v. Oliver T. Kittrell (Kittrell Grain & Feed Co.). Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 31117. Sample No. 156-L.)

INFORMATION FILED: July 31, 1951, Middle District of Tennessee, against Oliver T. Kittrell, trading as the Kittrell Grain & Feed Co., Nashville, Tenn.

ALLEGED SHIPMENT: On or about February 6, 1951, from the State of Tennessee into the State of Kentucky.

LABEL, IN PART: "Surety Brand 16% Dairy Feed * * * Guaranteed Analysis Protein, not less than 16.00 Per Cent * * * Fiber, not more than 15.00 Per Cent."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 16 percent of protein and more than 15 percent of crude fiber had been substituted for dairy feed containing not less than 16 percent of protein and not more than 15 percent of crude fiber.

Misbranding, Section 403 (a), the label statements "16% Dairy Feed * * * Guaranteed Analysis Protein, not less than 16.00 Per Cent" and "Fiber, not more than 15.00 Per Cent" were false and misleading.

DISPOSITION: October 18, 1951. A plea of nolo contendere having been entered, the defendant was fined \$1,000.

17771. Misbranding of cottonseed meal and cottonseed pellets. U. S. v. Marianna Sales Co. Plea of guilty. Fine of \$300 and costs. (F. D. C. No. 30611. Sample Nos. 89687-K, 89689-K.)

INFORMATION FILED: September 21, 1951, Eastern District of Illinois, against the Marianna Sales Co., Cairo, Ill.

ALLEGED SHIPMENT: On or about November 15 and 21, 1950, from the State of Illinois into the State of Kansas.

LABEL, IN PART: (1 shipment) "White Mule Brand * * * Cottonseed Meal * * * 100 Lbs. Net." One shipment was unlabeled.

NATURE OF CHARGE: Cottonseed meal. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the bags contained less than the labeled 100 pounds net.

Cottonseed pellets. Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the product failed to bear the common or usual name of the food, cottonseed pellets.

DISPOSITION: October 8, 1951. A plea of guilty having been entered, the defendant was fined \$300, together with costs.

FISH AND SHELLFISH

17772. Adulteration of frozen halibut. U. S. v. 1,784 Pounds * * *. (F. D. C. No. 31140. Sample No. 23216-L.)

LIBEL FILED: May 18, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 25, 1951, from Boston, Mass.

PRODUCT: 1,784 pounds of frozen halibut at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 2, 1951. Default decree of condemnation and destruction.

17773. Adulteration of crab meat. U. S. v. 169 Cans * * *. (F. D. C. No. 31360. Sample No. 21651-L.)

LIBEL FILED: May 24, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 21, 1951, by the Pascagoula Crab Co., from Pascagoula, Miss.

PRODUCT: 169 1-pound cans of crab meat at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it was packed in an insanitary factory. (The product contained *E. coli.*)

DISPOSITION: June 25, 1951. Default decree of condemnation and destruction.

17774. Adulteration of frozen shrimp. U. S. v. 7 Cartons * * *. (F. D. C. No. 31174. Sample Nos. 23215-L, 23217-L.)

LIBEL FILED: June 5, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 20, 1951, by the Star Fish & Oyster Co., from Mobile, Ala.

PRODUCT: 7 10-pound cartons of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: July 11, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

DRIED FRUIT

17775. Adulteration of dried peaches and dried apricots. U. S. v. 160 Cartons, etc. (F. D. C. No. 31144. Sample Nos. 23274-L, 23275-L.)

LIBEL FILED: May 18, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about March 23, 1951, by the Diebert Packing Co., from Biola, Calif.

PRODUCT: 160 25-pound cartons of dried peaches and 200 25-pound cartons of dried apricots at New York, N. Y.

LABEL, IN PART: "Mayfair Brand Choice Yellow Peaches [or "Tilton Apricots"] Packed By Mayfair Packing Company, San Jose, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 3, 1951. The Mayfair Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for salvaging of the fit portions, under the supervision of the Food and Drug Administration. The dried apricots were reconditioned by washing and sorting, and the dried peaches were denatured.

FROZEN FRUIT

17776. Adulteration of frozen strawberries. U. S. v. 545 Crates, etc. (F. D. C. No. 31234. Sample Nos. 1212-L, 1909-L, 1910-L.)

LIBEL FILED: On or about July 3, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 22, 1951, by M. J. Duer & Co., Inc., from Exmore, Va.

PRODUCT: 1,760 crates, each containing 24 unlabeled 1-quart trays, of frozen strawberries at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

DISPOSITION: July 31, 1951. Default decree of condemnation and destruction.

17777. Adulteration of frozen strawberries. U. S. v. 625 Crates * * *. (F. D. C. No. 31218. Sample No. 1211-L.)

LIBEL FILED: June 22, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 22, 1951, by Farmers Exchange, Inc., from Onley, Va.

PRODUCT: 625 unlabeled crates, each containing 24 1-quart trays, of frozen strawberries at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

DISPOSITION: July 25, 1951. A. E. Bramble & Son, Inc., Macon, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and destruction of the unfit berries, under the supervision of the Food and Drug Administration. 155 crates were sorted, resulting in a yield of 20 20-pound cans of good berries. No further sorting was done, and the pickings from the 155 crates and the remaining 470 crates were destroyed.

17778. Adulteration of frozen strawberries. U. S. v. 438 Crates * * *. (F. D. C. No. 31200. Sample No. 1210-L.)

LIBEL FILED: On or about June 26, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 24, 1951, by E. Mace Smith, from Princess Anne, Md.

PRODUCT: 438 unlabeled crates, each containing 24 1-quart trays, of frozen strawberries at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

DISPOSITION: July 17, 1951. Default decree of condemnation and destruction.

JELLY

17779. Adulteration and misbranding of assorted jelly. U. S. v. 13 Cases
* * *. (F. D. C. No. 31132. Sample No. 31986-L.)

LIBEL FILED: On or about May 16, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 15, 1951, by Jo-Mart Food Products, Inc., from Wichita, Kans.

PRODUCT: 13 cases, each containing 12 30-ounce jars, of assorted jelly at Mansfield, Mo.

LABEL, IN PART: (Jar) "Red Tulip Brand Apple-Grape [or "Apple-Strawberry," "Apple-Raspberry," or "Pure Apple"] Jelly * * * Moody Food Products, Inc. Wichita, Kansas."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit juice (all jars) and containing artificial coloring (all jars except those labeled "Pure Apple") had been substituted for apple-grape jelly, apple-strawberry jelly, apple-raspberry jelly, and apple jelly, respectively.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for fruit jelly since they were made from mixtures composed of less than 45 parts by weight of one or a combination of two of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients; and (all jars except those labeled "Pure Apple") the products failed also to conform to the definitions and standards since they contained artificial coloring, which is not permitted as an optional ingredient of fruit jelly.

DISPOSITION: June 28, 1951. Default decree of destruction.

17780. Adulteration and misbranding of apple-grape jelly. U. S. v. 18 Cases
* * *. (F. D. C. No. 31160. Sample No. 15081-L.)

LIBEL FILED: May 28, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about March 14, 1951, by Jo-Mart Food Products, Inc., from Wichita, Kans.

PRODUCT: 18 cases, each containing 6 5-pound jars, of apple-grape jelly at Lincoln, Nebr.

LABEL, IN PART: (Jar) "Bobby-Lee Apple-Grape Jelly Net Wt. 5# * * * Packed By Moody Food Products, Inc. Wichita, Kansas."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted for apple-grape jelly.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the jars contained less than the labeled 5 pounds net weight); and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple-grape jelly since it was made from a mixture composed of less than 45 parts

by weight of the fruit juice ingredients (apple and grape) to each 55 parts by weight of one of the saccharine ingredients, and it contained artificial coloring, which is not permitted as an ingredient of apple-grape jelly.

DISPOSITION: July 10, 1951. Default decree of condemnation and destruction.

VEGETABLES

17781. Adulteration of frozen kale. U. S. v. 89 Cartons * * *. (F. D. C. No. 31199. Sample No. 3097-L.)

LIBEL FILED: June 14, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about March 30, 1951, by the Bateman Frozen Foods Co., from Macon, Ga.

PRODUCT: 89 cartons, each containing 24 10-ounce packages, of frozen kale at Washington, D. C.

LABEL, IN PART: (Package) "Dixiana Fresh Frozen Kale."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence therein of worms.

DISPOSITION: August 20, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

17782. Adulteration of canned field peas with snaps. U. S. v. 110 Cases * * *. (F. D. C. No. 31314. Sample Nos. 1023-L, 1024-L.)

LIBEL FILED: June 29, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 8, 1951, by the Cherokee Products Co., from Haddock, Ga.

PRODUCT: 110 cases, each containing 6 6-pound, 9-ounce cans, of field peas with snaps at Jacksonville, Fla.

LABEL, IN PART: (Can) "O'Sage Brand Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 22, 1951. Default decree of condemnation and destruction.

17783. Adulteration of mixed chick-peas and fava beans. U. S. v. 37 Cases * * *. (F. D. C. No. 31137. Sample No. 24115-L.)

LIBEL FILED: May 11, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about January 3, 1951, from New York, N. Y.

PRODUCT: 37 cases, each containing 24 6-ounce packages, of mixed chick-peas and fava beans at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its rancidity. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 12, 1951. Default decree of condemnation and destruction.

17784. Adulteration of garbanzos (chick-peas), chocolate fragments, clove sweepings, cumin seed, and cocoa beans. U. S. v. 350 Pounds. etc. (F. D. C. No. 31167. Sample Nos. 23393-L, 23395-L, 23398-L, 23400-L to 23402-L, incl.)

LIBEL FILED: The products were imported from various foreign countries, and the dates of importation are not known.

PRODUCT: 3 350-pound bags and 3 115-pound bags of garbanzos (chick-peas), 1 75-pound bag of chocolate fragments, 1 25-pound bag of clove sweepings, 5 165-pound bags of cumin seed, and 4 140-pound bags of cocoa beans at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the garbanzos, chocolate fragments, and cumin seed consisted in whole or in part of filthy substances by reason of the presence of insects; the clove sweepings consisted in whole or in part of filthy substances by reason of the presence of wood splinters, matted dirt, insects, and other miscellaneous debris; and the remainder of the garbanzos and the cocoa beans consisted in whole or in part of a decomposed substance by reason of the presence of mold. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 20, 1951. Default decree of condemnation and destruction,

TOMATOES AND TOMATO PRODUCTS

17785. Misbranding of canned tomatoes. U. S. v. 348 Cases * * *. (F. D. C. No. 31463. Sample No. 24792-L.)

LIBEL FILED: August 9, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 23, 1951, by the Choptank Packing Co., from Choptank, Md.

PRODUCT: 348 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Scranton, Pa.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to comply with the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear, as specified by the regulations, a statement that the product fell below the standard.

DISPOSITION: September 11, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution. (Only 17 cases and 16 cans were seized.)

17786. Adulteration of tomato juice. U. S. v. Clyde Canning Co. and George Nestra. Pleas of guilty. Partnership fined \$225 and individual defendant \$75, together with costs. (F. D. C. No. 31114. Sample Nos. 10324-L, 10330-L, 10331-L.)

INFORMATION FILED: August 2, 1951, Northern District of Ohio, against the Clyde Canning Co., a partnership, Clyde, Ohio, and George Nestra, a partner.

ALLEGED SHIPMENT: Between the approximate dates of September 17, 1950, and February 12, 1951, from the State of Ohio into the State of Michigan.

LABEL, IN PART: "Defiance Tomato Juice * * * Distributed by Associated Food Distributors, Inc. Main Office Coldwater, Mich. Michigan Indiana Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 13, 1951. Pleas of guilty having been entered, the partnership was fined \$225 and the individual defendant \$75, together with costs.

17787. Adulteration of tomato puree. U. S. v. 182 Cases * * *. (F. D. C. No. 31145. Sample No. 25327-L.)

LIBEL FILED: May 18, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 17, 1950, by Delta Food Packers, Inc., from Winslow, N. J.

PRODUCT: 182 cases, each containing 6 unlabeled No. 10 cans, of tomato puree at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 29, 1951. Default decree of condemnation and destruction.

POULTRY

17788. Adulteration of dressed poultry. U. S. v. Maplewood Packing Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 31102. Sample Nos. 73166-K, 80233-K.)

INFORMATION FILED: June 19, 1951, District of Maine, against the Maplewood Packing Co., a corporation, Belfast, Maine.

ALLEGED SHIPMENT: On or about December 18 and 21, 1950, from the State of Maine into the States of New York and Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), (1 lot) the article was in part the product of a diseased animal.

DISPOSITION: June 27, 1951. A plea of guilty having been entered, the court imposed a fine of \$1,000.

17789. Adulteration of dressed poultry. U. S. v. 348 Pounds, etc. (F. D. C. No. 31159. Sample Nos. 24330-L, 24331-L.)

LIBEL FILED: May 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 14, 1951, by the Cavalier Poultry Corp., from Harrisonburg, Va.

PRODUCT: 674 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: June 25, 1951. Default decree of condemnation. The court ordered that the product be delivered to the Food and Drug Administration and that the Administration retain a portion of it; that the fit portion of the product be segregated and delivered to charitable institutions; and that the remainder be destroyed.

17790. Adulteration of dressed poultry. U. S. v. 376 Pounds * * *. (F. D. C. No. 31203. Sample No. 24342-L.)

LIBEL FILED: June 20, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 5, 1951, by E. Trudeau & Sons, from North Adams, Mass.

PRODUCT: 376 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed poultry; Section 402 (b) (2), water had been substituted in part for the article; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk or weight.

DISPOSITION: July 10, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

17791. Adulteration of dressed poultry. U. S. v. 215 Pounds * * *. (F. D. C. No. 31188. Sample No. 24337-L.)

LIBEL FILED: June 14, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 31, 1951, by the Penobscot Poultry Co., from Belfast, Maine.

PRODUCT: 215 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17792. Adulteration of dressed poultry. U. S. v. 165 Pounds * * *. (F. D. C. No. 31187. Sample No. 24336-L.)

LIBEL FILED: June 14, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 25, 1951, by A. Amico, from Vineland, N. J.

PRODUCT: 165 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17793. Adulteration of dressed poultry. U. S. v. 121 Pounds * * *. (F. D. C. No. 31161. Sample No. 24334-L.)

LIBEL FILED: May 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 15, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 121 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence therein of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17794. Adulteration of dressed poultry. U. S. v. 56 Pounds * * *. (F. D. C. No. 31162. Sample No. 24332-L.)

LIBEL FILED: May 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 9, 1951, by Bentzel's Poultry & Egg House, from York, Pa.

PRODUCT: 56 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS*

17795. Adulteration of dried red peppers. U. S. v. 400 Bags * * *. (F. D. C. No. 31175. Sample No. 22965-L.)

LIBEL FILED: June 5, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about May 8, 1951, by the Amalgamated Trading Corp., from New York, N. Y.

PRODUCT: 400 55-pound bags of dried red peppers at Jersey City, N. J.

LABEL, IN PART: "Product of Turkey."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: July 6, 1951. The Amalgamated Trading Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and salvaging of the fit portion. 19,601 pounds of the product were salvaged and the remainder denatured.

17796. Adulteration and misbranding of lemon oil. U. S. v. 2 Cans * * *. (F. D. C. No. 31180. Sample Nos. 24022-L, 24026-L.)

LIBEL FILED: June 5, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about February 21 and March 2, 1951, by Magnus, Mabee, & Reynard, Inc., from New York, N. Y.

PRODUCT: 2 25-pound cans of lemon oil at Hoboken, N. J.

LABEL, IN PART: (Can) "Magna Lemon Oil American Expressed U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an oil other than oil expressed from the peel of lemons had been substituted in whole or in part for lemon oil U. S. P."

Misbranding, Section 403 (a), the label designation "Lemon Oil * * * U. S. P." was false and misleading.

*See also No. 17784.

DISPOSITION: October 16, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured under the supervision of the Food and Drug Administration.

17797. Adulteration of salad dressing. U. S. v. 23 Cases * * *. (F. D. C. No. 31309. Sample No. 5057-L.)

LIBEL FILED: June 29, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 24, 1951, by the Spare-Way Food Products of New York, Inc., from Brooklyn, N. Y.

PRODUCT: 23 cases, each containing 4 1-gallon jars, of salad dressing at Boston, Mass.

LABEL, IN PART: (Jar) "Gold Crest Melomaise Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation.

DISPOSITION: July 24, 1951. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

17798. Misbranding of Elemin tablets and G & J Formula No. 701 [or 601] tablets. U. S. v. 10 Cases, etc. (F. D. C. No. 31219. Sample Nos. 18868-L, 18869-L.)

LIBEL FILED: June 27, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 10, April 17 and 18, and May 3, 1951, by the G & J Distributors, from Berkeley, Calif.

PRODUCT: 10 cases, each containing 12 700-tablet bottles, and 2 cases, each containing 24 120-tablet bottles, of Elemin tablets, and 10 cases, each containing 12 350-tablet bottles, and 2 cases, each containing 24 120-tablet bottles, of G & J Formula No. 701 [or 601] tablets, at Fort Dodge, Iowa, together with certain accompanying printed matter.

The printed matter consisted of a number of copies of a booklet entitled "Sales Manual, Nutritional Products, Elemin Minerals, G & J Multiple Vitamins"; a book entitled "Health from the Ground Up" by the International Harvester Co.; a booklet entitled "Facts You Should Know," including Senate Document No. 264, 74th Congress, Second Session, entitled "Modern Miracle Men" by Rex Beach; a brochure entitled "Soil—A Foundation of Health" published by the International Harvester Co.; a book entitled "The National Malnutrition" by D. T. Quigley, M.D.; and leaflets entitled "Elemin Mineral Tablets," "It's Later Than You Think, Watch Your Diet, Mineralize—Vitaminize," "Composite analysis derived from the reports of the following laboratories," and "The Following is a Reprint of a Published Article for Informative and Educational Purposes Only."

LABEL, IN PART: (Bottles) "Elemin * * * Contains: Iodine and Iron as naturally present in dehydrated kelp, iron gluconate and a sedimentary mineral deposit, with excipients and color added to sugar coating. Manufactured for Morgan & Bush, Inc. * * * Bakersfield, Calif." and "G & J Formula No. 701 (or 601) Each 2 Tablets Will Supply: Vitamin A (Fish Liver Oils) 5,000 U. S. P. Units Vitamin D (Irradiated Ergosterol) 1,000 U. S. P. Units Vitamin B₁ (Thiamin Hcl and Yeast) 3.0 Mg. Vitamin B₂ (Riboflavin) 2.0 Mg.

Vitamin B₆ (Pyridoxine Hcl) 1.0 Mg. Vitamin B₁₂ 1.0 Mcg. Vitamin C (Ascorbic Acid) 50.0 Mg. Vitamin E (Mixed Tocopherol) 3.0 Mg. Niacin 20.0 Mg. Calcium Pantothenate 5.0 Mg. Concentrated Beef Liver Extract 65.0 Mg. * * * Mfd. for and Dist. by G & J Distributors * * * Berkeley 4, California."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the printed matter accompanying the articles were false and misleading. The statements represented and suggested that the articles supplied a universal need; that clay, described as "sedimentary mineral deposit" and denominated "panaca," used as an ingredient in the article, "Elemin Tablets," contributed significantly to the diet of the user; that ordinary foods, because of soil depletion and processing, do not supply the need for vitamins and minerals so that supplementation of the usual diet is essential; that ninety-nine percent of the American people are deficient in minerals, resulting in disease, suffering, and shortening of life; that the symptoms, conditions, and diseases that beset the human body most commonly result from dietary deficiencies, and such symptoms, conditions, and diseases could be prevented and adequately treated by the use of Elemin tablets and G & J Formula No. 701 [or 601] tablets; that the articles would be effective in the prevention and treatment of all sorts of discomfort, soreness, pain and stiffness, all infections, infections of the upper respiratory tract, including colds, flu, and pneumonia, brain infections, chronic constitutional ailments, diseases of the adenoids, tonsils, digestive organs, lungs, blood vessels, skeleton, and gums, degenerative diseases, venereal diseases, nerve and brain diseases including insanity, stupidity in children, heart diseases including rheumatic heart disease, periodontal diseases, tooth decay, pyorrhea, arthritis, rheumatic fever, tuberculosis, pimples, constipation, neuroses, irritability, chronic gastritis, stomach and duodenal ulcers, stomach cancer, osteomalacia, nephritis, arteriosclerosis, skeletal weakness, and all ailments and afflictions to which people may become heir; and that consumption of the articles would eliminate 70 to 80 percent of the present-day diseases, bring to an end susceptibility to, and afford immunity from, infection, extend the average age to well over 100 years, and result in good health, happiness, and contentment. The articles were not capable of fulfilling the promises of benefit made for them; they were not effective in the prevention and treatment of the symptoms, diseases, and conditions stated and implied; and the impression conveyed by the statements was contrary to fact.

Further misbranding (Elemin tablets), Section 403 (a), the labeling of the tablets was misleading since it failed to reveal the material fact that no significant quantity of any nutritionally useful constituent was supplied by the clay ingredient; and, Section 403 (i) (2), the tablets were fabricated from two or more ingredients, and their label failed to bear the common or usual name of each ingredient since the declaration upon the label "A Sedimentary Mineral Deposit" is not the common or usual name of clay.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3593.

DISPOSITION: July 28, 1951. Default decree of condemnation and destruction.

17799. Misbranding of C. M. A. Formula #21 tablets and various articles of drug. U. S. v. Coordinative Medicines Assn., Inc. (C. M. A., Hancock Medicine Co., and Christian Mutual Assn.), Robert E. Davis, and Carrie Davis. Pleas of not guilty. Tried to the court. Verdict of guilty. Corporation fined \$800; Robert E. Davis, \$1,000; and Carrie Davis, \$400. Robert E. Davis and Carrie Davis each sentenced to 2 years in prison; prison sentences suspended and each individual defendant placed on probation for 3 years. (F. D. C. No. 30027. Sample Nos. 51991-K, 51992-K.)

INFORMATION FIELD: February 9, 1951, Southern District of Indiana, against the Coordinative Medicines Assn., Inc., Indianapolis, Ind., also trading under the names of C. M. A., Hancock Medicine Co., and Christian Mutual Assn., and against Robert E. Davis, president, and Carrie Davis, secretary-treasurer of the corporation.

ALLEGED VIOLATION: On or about March 2, 1950, the defendants caused to be introduced into interstate commerce at Indianapolis, Ind., for delivery into the State of Ohio, a quantity of C. M. A. Formula #21 tablets.

On or about October 10 and 27, 1949, Robert E. Davis, president of the corporation and the operator and custodian of its factory at Indianapolis, Ind., refused entry and inspection of the corporation's factory upon the request of an employee of the Food and Drug Administration, which request was made at a reasonable time and in accordance with the provisions of Section 704 of the Act.

LABEL, IN PART: "C. M. A. Formula #21 * * * Dehydrated from pure vegetables containing only organic minerals."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "A dietary adjuvant or nutritional supplement, supplying certain Organic Minerals essential to normal body functions" and "Nine tablets supplies daily requirements" were misleading. The article would not supply certain organic minerals which are essential to normal body functions, and 9 tablets of the article would not supply the daily requirements of the body for certain organic minerals which are essential to normal body functions since the article would not furnish significant quantities of any minerals which are essential to normal body functions, except iodine.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its mineral properties; and its label failed to bear, as required by regulations, a statement of the minerals contained in the article upon which such uses were based.

Further misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

The information charged also that various articles of drug were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices No. 3583.

DISPOSITION: July 20, 1951. Pleas of not guilty having been entered, the case came on for trial before the court without a jury on July 16, 1951. At the conclusion of the trial on July 20, 1951, the court rendered a verdict of guilty on all counts and fined the corporation \$800, Robert E. Davis \$1,000, and Carrie Davis \$400. In addition, Robert E. Davis and Carrie Davis were each sentenced to 2 years in prison. The prison sentences were suspended, however,

and each individual defendant was placed on probation for 3 years, conditioned that each would not violate Federal or State food and drug laws or the State Medical Practices Act.

17800. Adulteration and misbranding of chocolate pudding powder. U. S. v. 86 Cases, etc. (F. D. C. No. 30945. Sample No. 28173-L.)

LIBEL FILED: May 10, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about September 1, 1949, from Glenbrook, Conn.

PRODUCT: 242 cases, each containing 24 packages, and approximately 90 loose packages of chocolate pudding powder at San Francisco, Calif.

LABEL, IN PART: (Package) "Fortified With Iron and Vitamin B₁ Chocolate Flavor Net Wt. 4 Ozs. * * * 134 Int. Units Vitamin B₁ Per Oz. * * * supplies * * * over 1/3 the minimum daily requirements of Vitamin B₁, over 1/5 the minimum daily requirements of Calcium * * * based on 4 generous portions per package."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and calcium, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statements "134 Int. Units Vitamin B₁ Per Oz. * * * over 1/3 the minimum daily requirements of Vitamin B₁, over 1/5 the minimum daily requirements of Calcium * * *" were false and misleading as applied to a product containing less than the stated amounts of vitamin B₁ and calcium; and the label statements "fortified with iron for red blood and Vitamin B₁ to stimulate appetite, aid digestion and tone up nerves * * * supplies natural Calcium and Phosphorus for sound bones and teeth * * *" were false and misleading since the product was not effective for the purposes stated and implied.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 8, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17751 TO 17800

PRODUCTS		N. J. No.	N. J. No.
Apple, apple-r a s p b e r r y, and	Chocolate fragments-----		17784
apple-strawberry jelly-----	pudding powder-----	17779	17800
-grape jelly-----	Clove sweepings-----	17779, 17780	17784
Apricots, dried-----	Cocoa beans-----	17775	17784
Bakery product-----	Cottonseed meal and cottonseed	17751	
Bread-----	pellets-----	17751	17771
Brewers rice-----	Crab meat-----	17754	17773
Butter-----	Cumin seed-----	17757-17763	17784
C. M. A. Formula #21 tablets--	Dairy products-----	¹ 17799	17757-17767
Cereals and cereal products---	Eggs, frozen-----	17751-	17768, 17769
	Elemin tablets-----	17756	17798
Cheese, grated-----	Fava beans and chick-peas, dried,	17764-17766	
Chick-peas, dried-----	mixed-----	17784	17783
and fava beans, mixed---	Feeds and grains-----	17783	17770, 17771

¹ (17799) Prosecution contested.

	N. J. No.		N. J. No.
Fish and shellfish.....	17772-17774	Peas, chick-, dried.....	17784
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		and fava beans, mixed....	17783
Flour	17752, 17753	field, with snaps.....	17782
Fruits and vegetables....	17775-17787	Peppers, red, dried.....	17795
fruit, dried.....	17775	Popcorn, unpopped.....	17756
frozen.....	17776-17778	Poultry, dressed.....	17788-17794
jelly	17779, 17780	Pudding powder, chocolate....	17800
tomatoes and tomato prod- ucts.....	17785-17787	Rice.....	17753-17755
vegetables.....	17781-17784	grits.....	17754
G & J Formula No. 701 [or 601] tablets.....	17798	brewers.....	17754
Garbanzos. <i>See</i> Chick-peas.		Salad dressing.....	17797
Grains. <i>See</i> Feeds and grains.		Shellfish. <i>See</i> Fish and shellfish.	
Grits, rice.....	17754	Shrimp, frozen.....	17774
Halibut, frozen.....	17772	Spices, flavors, and seasoning materials.....	17784, 17795-17797
Jelly, apple, apple-raspberry, and apple-strawberry	17779	Strawberries, frozen....	17776-17778
apple-grape.....	17779, 17780	Tomato(es), canned.....	17785
Kale, frozen.....	17781	juice.....	17786
Lemon oil.....	17796	puree	17787
Milk solids, nonfat dry.....	17767	Vegetables. <i>See</i> Fruits and veg- etables.	
Peaches, dried.....	17775	Vitamin, mineral and other products of special dietary significance.....	¹ 17798-17800

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Amalgamated Trading Corp. :		Casaus Bros. :	
dried red peppers.....	17795	rice.....	17755
Amico, A. :		Cavalier Poultry Corp. :	
dressed poultry.....	17792	dressed poultry.....	17789
Armour & Co. :		Central Farm Products Co. :	
butter	17763	nonfat dry milk solids.....	17767
Armour Creameries :		Cherokee Products Co. :	
butter	17763	canned field peas with snaps..	17782
Associated Food Distributors. Inc. :		Chitty & Co. :	
tomato juice.....	17786	flour and rice.....	17753
Bateman Frozen Foods Co. :		Choptank Packing Co. :	
frozen kale.....	17781	canned tomatoes.....	17785
Bentzel's Poultry & Egg House :		Christian Mutual Assn. <i>See</i> Co- ordinative Medicines Assn., Inc.	
dressed poultry.....	17794	Clyde Canning Co. :	
Broussard, J. E. :		tomato juice.....	17786
rice, brewers rice, and rice grits	17754	Coordinative Medicines Assn., Inc. :	
Brown, W. H. :		C. M. A. Formula #21 tablets.. ¹	17799
unpopped popcorn.....	17756	Davis, Carrie, and R. E. :	
C. M. A. <i>See</i> Coordinative Medi- cines Assn., Inc.		C. M. A. Formula #21 tab- lets.....	¹ 17799

¹ (17799) Prosecution contested.

	N. J. No.		N. J. No.
Delta Food Packers, Inc.:		Moody Food Products, Inc.:	
tomato puree-----	17787	apple, apple-raspberry, and	
Diebert Packing Co.:		apple-strawberry jelly-----	17779
dried peaches and dried apri-		apple-grape jelly-----	17779, 17780
cots-----	17775	Morgan & Bush, Inc.:	
Duer, M. J., & Co., Inc.:		Elemin tablets-----	17798
frozen strawberries-----	17776	Moss Food Products Corp.:	
Dunnet, C. W., & Co.:		grated cheese-----	17764, 17766
butter-----	17759	Nestra, George:	
Fairmont Foods Co.:		tomato juice-----	17786
frozen eggs-----	17768	Orleans Poultry Co.:	
Farmers Cooperative Creamery		frozen eggs-----	17769
Co.:		dressed poultry-----	17793
butter-----	17759	Pascagoula Crab Co.:	
Farmers Creamery Co. <i>See</i>		crab meat-----	17773
Killeas, J. J.		Peek, Fletcher:	
Farmers Exchange, Inc.:		bread-----	17751
frozen strawberries-----	17777	Peek's Bakery. <i>See</i> Peek,	
G & J Distributors:		Fletcher.	
Elemin tablets and G & J For-		Penobscot Poultry Co.:	
mula No. 701 [or 601] tab-		dressed poultry-----	17791
lets-----	17798	Petersburg Co-operative Cream-	
Hancock Medicine Co. <i>See</i> Co-		ery:	
ordinative Medicines Assn.,		butter-----	17762
Inc.		Petersen's Creamery:	
Jo-Mart Food Products, Inc.:		butter-----	17758
apple, apple-raspberry, and		Reddy, H. E.:	
apple-strawberry jelly-----	17779	nonfat dry milk solids-----	17767
apple-grape jelly-----	17779, 17780	River Brand Rice Mills, Inc.:	
Killeas, J. J.:		rice, brewers rice, and rice	
butter-----	17757	grits-----	17754
Kittrell, O. T.:		St. Anthony Cooperative Cream-	
dairy feed-----	17770	ery Assn.:	
Kittrell Grain & Feed Co. <i>See</i>		butter-----	17761
Kittrell, O. T.		Schreiber, L. D., & Co., Inc.:	
Magnus, Mabee, & Reynard, Inc.:		butter-----	17760
lemon oil-----	17796	Smith, E. M.:	
Maplewood Packing Co.:		frozen strawberries-----	17778
dressed poultry-----	17788	Spare-Way Food Products of New	
Marianna Sales Co.:		York, Inc.:	
cottonseed meal and cottonseed		salad dressing-----	17797
pellets-----	17771	Star Fish & Oyster Co.:	
Marketing Assn. of America:		frozen shrimp-----	17774
butter-----	17760	Thomas & Howard Co.:	
Mayfair Packing Co.:		rice-----	17754
dried peaches and dried apri-		Trudeau, E., & Sons:	
cots-----	17775	dressed poultry-----	17790
Miller, F. G.:		Wyandot Popcorn Co.:	
butter-----	17757	unpopped popcorn-----	17756
		Zumbro Cooperative Creamery	
		Co.:	
		butter-----	17760



FEDERAL REGISTER

The Primary Source of Administrative Law

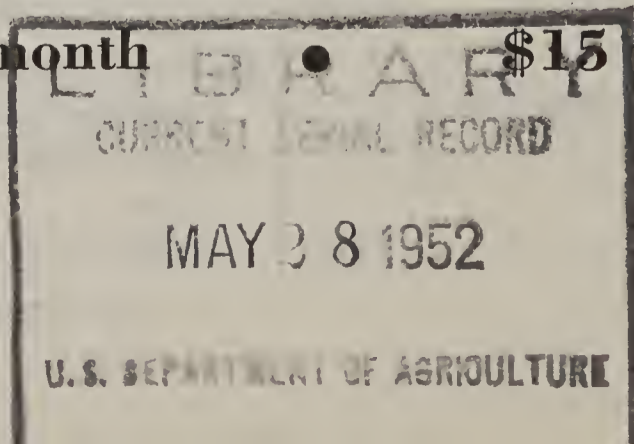
The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month • \$15 per year



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17801-17850

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., May 12, 1952.

CONTENTS

	Page		Page
Beverages and beverage materials.....	396	Fruits and vegetables—Continued	
Candy.....	397	Frozen fruit.....	409
Cereals and cereal products.....	402	Vegetables.....	410
Flour.....	402	Tomatoes and tomato products.....	410
Macaroni and noodle products.....	403	Nuts and nut products.....	412
Miscellaneous cereals.....	404	Poultry.....	413
Dairy products.....	405	Spices, flavors, and seasoning materials.....	415
Butter.....	405	Vitamin, mineral, and other products of special dietary significance.....	417
Cheese.....	406	Index.....	418
Fish and shellfish.....	406		
Fruits and vegetables.....	409		
Canned fruit.....	409		
Dried fruit.....	409		

BEVERAGES AND BEVERAGE MATERIALS*

17801. Alleged adulteration of coffee. U. S. v. Lorraine Trading Corp. and Ben Slomowitz. Pleas of not guilty. Tried to the court and jury. Judgment of acquittal. (F. D. C. No. 26748. Sample No. 8449-K.)

INFORMATION FILED: October 14, 1949, District of New Jersey, against the Lorraine Trading Corp., Brooklyn, N. Y., and Ben Slomowitz, president of the corporation.

ALLEGED SHIPMENT: On or about May 25, 1949, from Jersey City, N. J., to Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the contamination of the article with polluted water and the presence of extraneous material consisting chiefly of a black powder resembling a powdered ore; and, further, the article consisted in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: September 18, 1951. Pleas of not guilty having been entered, the case came on for trial before the court and jury. At the conclusion of the testimony offered by the Government and the defendants, a motion for acquittal was made on behalf of the defendants and was granted on the ground that the evidence was insufficient to sustain a conviction of the offense charged.

17802. Misbranding of coffee. U. S. v. Frank A. Kavorinos (Kansas City Coffee Co.). Plea of nolo contendere. Fine of \$300, together with costs. (F. D. C. No. 31103. Sample Nos. 14891-L, 14892-L.)

INFORMATION FILED: June 25, 1951, Western District of Missouri, against Frank A. Kavorinos, trading as the Kansas City Coffee Co., Kansas City, Mo.

ALLEGED SHIPMENT: On or about March 9 and 12, 1951, from the State of Missouri into the State of Kansas.

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the container of the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the container of the product failed to bear a label containing the common or usual name of the product.

DISPOSITION: September 14, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$300, together with costs.

17803. Misbranding of Lemon Quick. U. S. v. 11 Cases * * *. (F. D. C. No. 31138. Sample No. 91768-K.)

LIBEL FILED: May 15, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about September 5 and 27, 1950, by Lemon Quick, Inc., from New York, N. Y.

PRODUCT: 11 cases, each containing 24 3½-ounce jars, of Lemon Quick at Newark, N. J. Examination disclosed that the article was an artificially colored mixture of citric acid and lemon oil, an imitation of dried lemon juice.

LABEL, IN PART: "Lemon Quick."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette appearing on the label, depicting a portion of a lemon with what appeared to be a drop of juice, and the label statements, "Approximately equivalent to juice of 31 lemons * * * Use exactly as squeezed lemon juice Quart Lemon Juice Mix * * * Lemon-

*See also No. 17813.

ade * * * Use in hot and cold lemonade * * * lemon meringue pie, lemon sauce, lemon ice, lemon jello," were false and misleading since they represented and suggested that the product was dried lemon juice, whereas it was not dried lemon juice.

Further misbranding, Section 403 (f), the information required by Section 403 (i) (2) to appear on the label, namely, the statement of ingredients, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: July 12, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

CANDY*

17804. Alleged adulteration of candy and chewing gum. U. S. v. A quantity of candy, etc. Tried to the court. Verdict for the Government. Decree of condemnation. Judgment reversed upon appeal. (F. D. C. No. 29666. Sample Nos. 47684-K, 47685-K.)

LIBEL FILED: July 31, 1950, Eastern District of Virginia; libel amended November 15, 1950.

ALLEGED SHIPMENT: On or about June 7 and 8, 1950, from Chicago, Ill.

PRODUCT: A quantity of candy containing trinkets held in one vending machine and a quantity of chewing gum containing trinkets held in another vending machine at Norfolk, Va.

LABEL, IN PART: (Candy machine) "Fresh!—Tasty! One Cent" and (gum machine) "Rail-Blo Ball Bubble Gum 1¢."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the products contained deleterious substances, plastic and metal trinkets, which may have rendered the articles injurious to health; and, Section 402 (d), the products were confectionery and contained nonnutritive articles, plastic and metal trinkets. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: The Cavalier Vending Corp., Suffolk, Va., claimant, having filed an answer denying that the products were adulterated, the case came on for hearing before the court on November 28 and 29, 1950. After considering the evidence and the arguments and briefs of counsel, the court, on February 7, 1951, handed down the following opinion:

BRYAN, District Judge: "The contents of two slot machines have been libeled as adulterated food, specifically, balls of candy and chewing gum as containing deleterious and non-nutritive substances, contraband under the Federal Food, Drug and Cosmetic Act, 52 Stat. 1040, 21 USCA 301 et seq. With the evidentiary facts undisputed, the lone question is whether the gum or candy was adulterated by the admixture of small metallic and plastic trinkets. The answer depends on whether the gum or candy 'contains' the trinkets.

"The slot machines are identical and no variant in them or their content necessitates separate consideration. The gum is in the form of a small marble, less than a half-inch in diameter, while the candy is somewhat smaller, but also spheroidal—a candy-coated peanut.

"The trinkets are made of plastic and metal, in the design of animals, clocks, hats, boots, balls, rings, and lapel-pins. They are in bright and varied colors,

*See also No. 17850.

like the units of gum and candy, but except for the balls, the trinkets differ from the units in shape, and some are smaller and others larger.

"The machine operates on the coin-in-the-slot principle. Its wares are held within a hollow glass globe, with the candy, gum and trinkets plainly visible, and promiscuously mingled. With the insertion of a coin and the turn of a crank, the purchase pours from the bowl by gravity into a receptacle open to the vendee. Each delivery of candy comprises 8 to 10 pieces, usually with one or more trinkets, while a delivery of gum consists of one gum ball with or without a trinket. In random samples it was found that to a quart of candy there were 840 peanuts and 21 trinkets, and a similar measure from the gum machine produced 225 pieces of gum with 65 trinkets.

"The candy and gum were shipped into Norfolk, Virginia, from Chicago, Illinois, and the trinkets from Dallas, Texas, but they were not mixed until placed in the machines in Norfolk, where they were seized. We think there can be no doubt that the mixture dispensed by each of the machines is within the interstate commerce sweep of the Act, section 304 (a), 21 USCA 334a, as 'held for sale (whether or not the first sale) after shipment in interstate commerce.' *United States v. Sullivan*, 332 U. S. 689. Hence we go to the merits immediately.

"Under the Act food is defined to be '(1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.' Sec. 201, 21 USCA 321. A food is declared to be adulterated by section 402, 21 USCA 342, under the following conditions, among others:

402(a) (1) : "If it bears or contains any poisonous or deleterious substance which may render it injurious to health; * * *"

(d) : "If it is confectionery, and it bears or contains any alcohol or non-nutritive article or substance * * *"

"The contention of the owner is that neither the candy nor the gum, admittedly food in themselves, 'contains' the trinkets, that the trinkets are in no sense ingredients of the sweets, but physically separate as lures to prospective purchasers of the candy and gum, and that the candy and gum have within them no deleterious or non-nutritive substances.

"The Court is of the opinion that the indiscriminate confusion of the trinkets and candy, and trinkets and gum, especially in the low ratio of the trinkets, results in an indistinguishable mass of 'food,' and in this condition it is certain that these articles of food do contain the trinkets, within the intent and purpose of the Act. Obviously the trinkets are deleterious and non-nutritive substances. Except in the boots and lapel-pins, the color, design and intermixture of the trinkets so merge them with the candy and gum as to make them appear, certainly to the juvenile observer, as constituents and components of the store of candy and gum. A glance into the hopper of the slot machine might not distinguish the trinkets as alien substances but simply as another sweetmeat. That the whole contents are edible might well be assumed. In this intimate association we think the candy and the gum 'contains' the trinkets, and in this manner the candy and gum have become adulterated.

"There are thus offered 'articles used for food' potentially injurious to the consumer and against which the Act would protect the public. While the trinkets are not edible, they are easily aspirated and readily swallowed. Customers of these slot machines are the neighborhood children and the case against the gum, candy and trinkets becomes stronger when we consider the imprudence and heedlessness of these penny-patrons—never too discerning in munching tidbits.

"*United States v. Lexington Mill Co.* 232 U. S. 399, does not preclude our holding—that in the Act 'contains' may mean 'associated with' and not exclusively 'incorporated in,' and that 'food' is not referable only to a unit but includes a serving or portion of units offered for consumption. The English decision therein approved declared that the resulting blend must be detrimental to health; that it was not sufficient that a single ingredient was by itself an injurious element if not so in the combination. The facts there disclosed no confounding, as here, of the good and bad in such a way as to retain the full efficacy of the latter, without dilution to any degree. Nor was there a resemblance in the two, to let the uneatable pass as eatable.

"The case having been submitted without a jury, the Court makes this memorandum as its findings of fact and conclusions of law, and will enter an order granting condemnation in accordance with the prayer of the libel."

On March 16, 1951, judgment of condemnation was entered and the court ordered that the products contained in the vending machines be destroyed and that the machines themselves be returned to the claimant. Thereafter, an appeal was taken by the claimant to the United States Court of Appeals for the Fourth Circuit, and on July 24, 1951, the following opinion was handed down by that court:

PARKER, *Circuit Judge*: "This is an appeal by claimant in a libel proceeding under the Federal Food, Drug and Cosmetic Act (21 USCA 301 et seq.) in which an order was entered condemning certain candy, chewing gum and metal plastic trinkets contained in vending machines. The principal question presented by the appeal is whether under the facts of the case the candy and gum are adulterated within the meaning of the act.

"There is no dispute as to the facts. It is conceded that the candy and gum are not adulterated and do not of themselves fall within the condemnation of the act. The finding of adulteration is based upon the fact that after arrival in Norfolk, they were placed in vending machines along with the trinkets. The facts are succinctly and accurately set forth in the opinion of the learned judge below as follows:

The slot machines are identical and no variant in them or their content necessitates separate consideration. The gum is in the form of a small marble, less than a half-inch in diameter, while the candy is somewhat smaller, but also spheroidal—a candy-coated peanut.

Trinkets are made of plastic and metal, in the design of animals, clocks, hats, boots, balls, rings, and lapel-pins. They are in bright and varied colors, like the units of gum and candy, but except for the balls, the trinkets differ from the units in shape, and some are smaller and others larger.

The machine operates on the coin in the slot principle. Its wares are held within a hollow glass globe, with the candy, gum and trinkets plainly visible and promiscuously mingled. With the insertion of a coin and the turn of a crank, the purchase pours from the bowl by gravity into a receptacle open to a vendee. Each delivery of candy comprises 8 to 10 pieces, usually with one or more trinkets, while a delivery of gum consists of one ball with or without a trinket. In random samples it was found that to a quart of candy there were 840 peanuts and 21 trinkets, and a similar measure from the gum machine produced 225 pieces of gum with 65 trinkets.

The candy and gum were shipped into Norfolk, Virginia, from Chicago, Illinois, and the trinkets from Dallas, Texas, but they were not mixed until placed in the machines in Norfolk, where they were seized.

"The finding of adulteration was based upon the idea that the mingling of the trinkets with the gum and candy resulted 'in an indistinguishable mass of food' which contained the trinkets within the meaning of sec. 402 (a) (1) of the Act, 21 USCA 342 (a) (1), which provides that food shall be deemed adulterated 'if it bears or contains any poisonous or deleterious substance which may render it injurious to health.'¹ The plastic or metallic trinkets would be injurious to health if swallowed or caught in the air passages of the nose or throat.

"We think it perfectly clear, however, that the trinkets, which correspond to the 'prizes' contained in the candy 'prize boxes' of an earlier day, are not contained within the gum or candy within any possible meaning of the act. If we look to its language the deleterious subject must be contained within the food product offered for sale, and the trinkets are not contained in the pieces of gum or candy but are merely sold along with them. Neither the gum nor the candy contains the trinkets but is contained along with the trinkets in the bowl of the vending machine. The purpose of the statute is

¹ 21 USCA sec. 342 provides: (The court quotes this sec.).

to prevent adulteration, i. e., the 'adding to articles of food consumption poisonous and deleterious substances which might render such articles injurious to the health of consumers.' *United States v. Lexington Mill & Elevator Co.*, 232 U. S. 399, 409. Surely, the giving of trinkets or prizes along with the sale of candy or gum does not add anything to the 'articles of food consumption' nor do they affect such articles in any way. Cf. *Bourcheix v. Willow Brook Dairy, Inc.*, 268 N. Y. 1, 196 N. E. 617, 98 A. L. R. 1492. We cannot imagine that anyone would contend that the statute would be violated if a single trinket were included as a 'prize' in a package of candy or gum; and we see no difference between this and the sale by the slot machine method here employed, where only occasionally is one of the trinkets discharged, and the possibility that this may occur is one of the chief inducements to the purchase. If there is anything objectionable in what is done, it arises not out of any adulteration of the candy or gum but out of the method of sale, which is a local matter. No case has been cited holding that the statute has any application to a case of this sort, and we know of none.

"There is a grave doubt whether, even if the vending of the trinkets along with the candy and gum could be held to be adulteration, the act would have any application since their mingling in the vending machines was a local matter which occurred after their interstate journey had ended and they had come to rest at Norfolk. There was no transmission of the 'adulterated' product in interstate commerce, nor was there an offering for sale of a product which was adulterated when a subject of such commerce. See *United States v. Phelps Dodge Mercantile Co.*, 9 Cir. 157 F. 2d 453, cert. den. 330 U. S. 818. We need not pass upon this question, however, as we think it clear that the candy and gum were not adulterated within the meaning of the act merely because the trinkets were placed with them in the vending machines.

"For the reasons stated the order appealed from will be reversed and the cause will be remanded with direction to enter judgment for the claimant. *Reversed.*"

17805. Adulteration of candy. U. S. v. Arthur Heiman. Plea of guilty. Fine, \$900. (F. D. C. No. 29160. Sample Nos. 56945-K, 58275-K to 58277-K, incl., 63279-K.)

INDICTMENT RETURNED: October 27, 1950, Southern District of New York, against Arthur Heiman, New York, N. Y.

ALLEGED SHIPMENT: On or about November 28 and December 20 and 29, 1949, from the State of New York into the States of New Jersey, California, and Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments and other miscellaneous filth; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 24, 1951. A plea of guilty having been entered, the court imposed a fine of \$900.

17806. Adulteration of candy. U. S. v. Spangler Candy Co. and Norman E. Spangler. Pleas of guilty. Corporation fined \$300 and individual defendant \$100, plus costs. (F. D. C. No. 31111. Sample Nos. 7070-L, 10319-L, 10321-L, 10768-L.)

INFORMATION FILED: July 3, 1951, Northern District of Ohio, against the Spangler Candy Co., a corporation, Bryan, Ohio, and Norman E. Spangler, vice president.

ALLEGED SHIPMENT: On or about January 9, 11, and 12, 1951, from the State of Ohio into the States of Pennsylvania, Indiana, and Michigan.

LABEL, IN PART: "Hickok's Honey Comb Chocolate Chips," "Spangler's Chocolate Covered Thin Mints," "Asst. Chocolates," or "Valentine Marshmallow Hearts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, fly fragments, feather barbules, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 13, 1951. Pleas of guilty having been entered, the court fined the corporation \$300 and the individual defendant \$100, plus costs.

17807. Adulteration of candy. U. S. v. Runkle Co. Plea of guilty. Fine of \$600, plus costs. (F. D. C. No. 31123. Sample Nos. 2879-L, 2880-L, 10964-L.)

INFORMATION FILED: August 7, 1951, Northern District of Ohio, against the Runkle Co., a corporation, Kenton, Ohio

ALLEGED SHIPMENT: On or about January 29 and 31, 1951, from the State of Ohio into the States of Indiana and West Virginia.

LABEL, IN PART: "Jane Ann Candies Cocoanut Bon Bons [or "Cream Peanut Cluster"]" or "Hand Dipped 'Morning Glory' Pure Cocoanut Bon Bons."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 13, 1951. A plea of guilty having been entered, the court fined the defendant \$600, plus costs.

17808. Misbranding of candy. U. S. v. 50 Cases * * *. Contempt proceedings instituted against G. W. Mullaney, charging resistance to seizure; fine of \$50 imposed. Decree of condemnation entered against product. (F. D. C. No. 28357. Sample No. 50772-K.)

LIBEL FILED: November 18, 1949, District of Montana.

ALLEGED SHIPMENT: On or about October 18, 1949, by Mintco of California, from Los Angeles, Calif.

PRODUCT: 50 cases, each containing 60 boxes, of candy at Butte, Mont.

LABEL, IN PART: "Merry Christmas Talking Santa with 4 Big Lucky Candy Canes * * * Net Weight 4 Oz. or more."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 4 Oz. or more" was inaccurate. (Examination showed that the article was short of the declared weight.)

DISPOSITION: Following the filing of the libel, the United States marshal attempted to make seizure of the product on November 18 and 22, 1949, but was advised by G. W. Mullaney, Walkerville, Mont., from whom the product was to be seized, that the product had been sold. Thereafter, information was obtained as to the location of the product, and seizure was effected on November 28, 1949. Subsequently, on the basis of additional evidence, G. W. Mullaney was charged with contempt of court. The defendant entered a

plea of not guilty, and the matter came on for trial on December 15, 1949. The trial was concluded on the same day, and the court found that on November 18 and 22, 1949, the defendant resisted the warrant of arrest and monition issued for the purpose of seizing the product which was the subject of the libel proceedings, and prevented the United States marshal from executing the warrant by concealment of the product and deceiving the marshal as to its location. The defendant, accordingly was adjudged in contempt of court and was fined \$50.

On February 14, 1950, Mintco of California, claimant, filed an answer denying that the product was misbranded in interstate commerce. On September 7, 1951, the matter was set for trial, but the claimant failed to appear at the time and place set for trial and was adjudged to be in default. On September 10, 1951, judgment of condemnation was entered, and the court ordered that the product be delivered to a charitable institution for use as animal feed or destroyed. The product was destroyed.

17809. Misbranding of candy. U. S. v. 180 Boxes * * *. (F. D. C. No. 31169. Sample No. 1324-L.)

LIBEL FILED: On or about June 5, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 8, 1951, by the Rhodes Candy Co., from Savannah, Tenn.

PRODUCT: 180 boxes, each containing 24 balls, of candy at Atlanta, Ga.

LABEL, IN PART: (Ball) "M-Delicious Balls 5¢ * * * Net Wt. 2 Ozs. or Over."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The weight of the candy was less than that declared on the label.)

DISPOSITION: July 3, 1951. Default decree of condemnation. The court ordered that, in lieu of destruction, the product be delivered to a public institution.

CEREALS AND CEREAL PRODUCTS

FLOUR

17810. Adulteration of flour. U. S. v. 139 Bags, etc. (F. D. C. No. 31321. Sample Nos. 12918-L to 12921-L, incl.)

LIBEL FILED: July 16, 1951, District of Wyoming.

ALLEGED SHIPMENT: On or about January 13, February 23, and March 26 and 28, 1951, from Ogden and Logan, Utah.

PRODUCT: 499 50-pound bags of flour at Rock Springs, Wyo., in the possession of the Utah Wholesale Grocery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 31, 1951. The Utah Wholesale Grocery, Rock Springs, Wyo., claimant, having authorized the taking of a final decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

On September 7, 1951, an amended decree was entered providing for the release of the product under bond to the claimant for conversion into stock feed, under the supervision of the Federal Security Agency.

17811. Adulteration of flour. U. S. v. 12 Bags * * *. (F. D. C. No. 31168. Sample No. 24774-L.)

LIBEL FILED: May 29, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 5, 1951, from Hastings, Nebr.

PRODUCT: 12 100-pound bags of flour at Bethlehem, Pa., in possession of Klein's Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 29, 1951. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

17812. Adulteration of egg noodles and macaroni. U. S. v. 18 Cases, etc. (F. D. C. No. 29387. Sample Nos. 78633-K to 78636-K, incl.)

LIBEL FILED: July 11, 1950, District of Montana.

ALLEGED SHIPMENT: On or about May 12 and 26, 1950, by the U. S. Macaroni Mfg. Co., from Spokane, Wash.

PRODUCT: 62 cases, each containing 12 1-pound packages, of egg noodles, and 19 cases, each containing 12 14-ounce packages, of macaroni at Missoula, Mont.

LABEL, IN PART: (Package) "Medium U S Taystie Brand Home Style Enriched Egg Noodles" and "Red & White Brand * * * Egg Noodles [or "Elbow Macaroni"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 28, 1951. Default decree of condemnation. The court ordered that the products be denatured and delivered to a public institution, for use as animal feed, or destroyed.

17813. Adulteration of macaroni, lemon juice, canned potatoes, salted peanuts, dehydrated soup mix, bouillon cubes, olive butter, navy beans, Kream-Whip, chicken noodle soup mix, toasted wheat germ, muffin mix, waffle mix, yellow split peas, and black turtle beans. U. S. v. 5 Cases, etc. (F. D. C. No. 31150. Sample Nos. 23804-L to 23806-L, incl., 23808-L to 23810-L, incl., 23815-L to 23823-L, incl., 23827-L to 23830-L, incl.)

LIBEL FILED: May 22, 1951, District of New Jersey.

ALLEGED SHIPMENT: During or about the month of May 1948, from Indianapolis, Ind., Chicago, Ill., Haddock, Ga. Philadelphia, Pa., Ozone Park, N. Y., New York, N. Y., and Los Angeles, Calif.

PRODUCT: 120 cases, each containing 24 6-ounce packages, of macaroni; 41 cases, each containing 24 8-ounce bottles, of lemon juice; 31 cases, each containing 24 1-pound, 13-ounce cans, of potatoes; 38 cases, each containing 24 7-ounce jars, of salted peanuts; 6 cases, each containing 16 2¼-ounce packages, of dehydrated soup mix; 5 cases, each containing 36 1-dozen boxes, and 1 case, containing 12 dozen boxes, of bouillon cubes; 10 cases, each containing 24 5-ounce jars, of olive butter; 83 cases, each containing 24 6-ounce packages, and 23 cases, each containing 48 8-ounce packages, of navy beans; 14 cases, each containing 12 ⅞-fluid-ounce-bottles, of Kream-Whip; 15 cases, each containing 48 2½-ounce packages, of chicken noodle soup mix; 5 cases, each containing 24 1-pound cans, of toasted wheat germ; 38 cases, each containing 24 10-ounce packages, of muffin mix; 32 cases, each containing 24 1-pound, 4-ounce packages, of waffle mix; 3 cases, each containing 24 1-pound boxes, of yellow split peas; and 3 cases, each containing 24 12-ounce boxes, of black turtle beans, at Bound Brook, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the macaroni, soup mix, navy beans, toasted wheat germ, muffin mix, waffle mix, yellow split peas, and black turtle beans consisted in whole or in part of filthy substances by reason of the presence therein of insects, and the lemon juice, potatoes, peanuts, bouillon cubes, olive butter, soup mixture, and Kream-Whip consisted in whole or in part of decomposed substances by reason of progressive decomposition. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 9, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS*

17814. Adulteration of brewers rice. U. S. v. Producers Rice Mill, Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 31128. Sample No. 9974-L.)

INFORMATION FILED: October 3, 1951, Eastern District of Arkansas, against Producers Rice Mill, Inc., Stuttgart, Ark.

ALLEGED SHIPMENT: On or about April 10, 1951, from the State of Arkansas into the State of Wisconsin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, insect excreta pellets, and rodent excreta pellet fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 29, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$100.

17815. Adulteration of wheat. U. S. v. 1 Carload * * *. (F. D. C. No. 29895. Sample No. 75839-K.)

LIBEL FILED: September 22, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about September 7, 1950, by the Murdo Elevator Co., from Murdo, S. Dak.

PRODUCT: 1 carload of wheat at Minneapolis, Minn.

*See also No. 17813.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed wheat, and it was otherwise unfit for food by reason of the presence of musty wheat.

DISPOSITION: September 27, 1950. Harold Peck, Murdo, S. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Food and Drug Administration. The good portion of the wheat, 74,820 pounds, was segregated and released for human food purposes, and the unfit portion, 42,660 pounds, was denatured and disposed of for use as hog feed.

DAIRY PRODUCTS

BUTTER

17816. Adulteration of butter. U. S. v. Sumner County Co-Operative Creamery Assn. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 30108. Sample No. 81897-K.)

INFORMATION FILED: March 29, 1951, Middle District of Tennessee, against the Sumner County Co-Operative Creamery Assn., a corporation, Gallatin, Tenn.

ALLEGED SHIPMENT: On or about September 9, 1950, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: (Carton) "Dutch Brand One Pound Net Weight Creamery Butter Distributed by Lewis Foods, Incorporated Greensboro, N. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, fly fragments, and feather barbules.

DISPOSITION: October 3, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

17817. Adulteration of butter. U. S. v. 144 Boxes (8,640 pounds) * * *. Tried to the jury. Verdict for the Government. Decree of condemnation. (F. D. C. No. 29766. Sample No. 76199-K.)

LIBEL FILED: June 26, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about June 14, 1950, by North American Creameries, Inc., from Watertown, S. Dak.

PRODUCT: 144 60-pound boxes of butter at Paynesville, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect and fly fragments, insect eggs, manure, rat or mouse hairs, and sediment.

DISPOSITION: North American Creameries, Inc., having filed an answer denying that the product was adulterated, the case came on for trial before a jury on May 18, 1951. At the conclusion of the trial, a verdict was returned in favor of the Government, and on June 19, 1951, the court entered a decree of condemnation. On July 25, 1951, the court ordered that the product be released under bond to the claimant to be converted to some commercial use other than food, under the supervision of the Food and Drug Administration.

CHEESE

17818. Adulteration of grated cheese. U. S. v. 9 Cases, etc. (F. D. C. No. 31152. Sample Nos. 24771-L, 24773-L.)

LIBEL FILED: May 22, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 6, 1951, by the Moss Food Products Corp., from New York, N. Y.

PRODUCT: Grated cheese. 17 cases, each containing 24 2-ounce jars, and 3 cases, each containing 24 1½-ounce jars, at McAdoo, Pa.

LABEL, IN PART: (Jar) "Lee Brand Grated Cheese" or "Kay Brand Italian Style Grated Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments.

DISPOSITION: August 29, 1951. Default decree of condemnation and destruction.

17819. Adulteration of grated cheese. U. S. v. 5 Cases * * *. (F. D. C. No. 31154. Sample No. 23955-L.)

LIBEL FILED: May 28, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about April 20, 1951, by the Moss Food Products Corp., from North Bergen, N. J.

PRODUCT: 5 cases, each containing 12 1-pound jars, of grated cheese at Brooklyn, N. Y.

LABEL, IN PART: (Jar) "Lee Brand Grated Domestic Parmesan Style Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 16, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

17820. Adulteration of frozen ocean perch fillets. U. S. v. Trident Fisheries, Inc. Plea of guilty. Fine, \$300. (F. D. C. No. 29622. Sample Nos. 60077-K to 60079-K, incl., 63943-K.)

INFORMATION FILED: December 12, 1950, District of Massachusetts, against Trident Fisheries, Inc., Gloucester, Mass.

ALLEGED SHIPMENT: On or about April 3 and 7, 1950, from the State of Massachusetts into the States of Illinois and Georgia.

LABEL, IN PART: (Package) "Trident Brand Freshly Frozen Ocean Perch Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of parasites, namely, copepods.

DISPOSITION: February 13, 1951. A plea of guilty having been entered, the court imposed a fine of \$300.

17821. Adulteration of frozen ocean perch fillets. U. S. v. 175 Cases * * *. (F. D. C. No. 29234. Sample No. 54853-K.)

LIBEL FILED: May 17, 1950, Southern District of Texas.

ALLEGED SHIPMENT: On or about April 27, 1950, by Genoa Fisheries, Inc., from Boston, Mass.

PRODUCT: 175 cases, each containing 5 10-pound cartons, of frozen ocean perch fillets at Houston, Tex.

LABEL, IN PART: (Case) "Bonnie Brand Frosted Ocean Perch Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: October 18, 1950. John Mantia & Sons Co., Inc., Boston, Mass., having appeared as claimant and the case having been consolidated and removed for trial with certain other cases in the District of Massachusetts, and the claimant having subsequently consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 4,580 pounds of the product were segregated as unfit and were destroyed.

17822. Adulteration of frozen perch fillets. U. S. v. 61 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 29246, 29331, 29332, 29339, 29340. Sample Nos. 79325-K, 79456-K, 79457-K, 79607-K to 79609-K, incl.)

LIBELS FILED: On or about May 25, 26, 29, and 31, 1950, District of Massachusetts and Northern District of Alabama.

ALLEGED SHIPMENT: On or about April 23 and May 4 and 7, 1950, by Vinalhaven Fisheries, Inc., from Vinalhaven and Rockland, Maine.

PRODUCT: Frozen perch fillets. 61 cases, each containing 5 10-pound cartons, at Tuscaloosa, Ala.; 1,796 10-pound cartons and 110 cases, each case containing 5 10-pound cartons, at Quincy, Mass.; and 76 10-pound cartons and 98 cases, each case containing 5 10-pound boxes, at Boston, Mass.

LABEL, IN PART: "Bonnie Brand Frosted Ocean Perch Fillets * * * Genoa Fisheries, Inc. * * * Boston, Mass." and "Silver Sea Frosted Fillets Perch * * * Jarrell & Rea - Boston."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: October 18, 1950. John Mantia & Sons Co., Inc., Boston, Mass., having appeared as claimant and the instant cases having been consolidated with certain other cases for trial in the District of Massachusetts, and the claimant subsequently having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 8,430 pounds of the product were segregated as unfit and were destroyed, and 23,500 pounds were salvaged.

17823. Adulteration of frozen perch fillets and frozen rosefish fillets. U. S. v. 349 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 29237, 29238. Sample Nos. 47544-K, 47545-K, 69393-K.)

LIBELS FILED: May 19, 1950, Western District of Pennsylvania and Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 1 and 5, 1950, by John Mantia & Sons Co., Inc., from Boston, Mass.

PRODUCT: 349 10-pound cartons of frozen perch fillets and 114 10-pound cartons of frozen rosefish fillets at Pittsburgh, Pa., and Warren, Ohio, respectively.

LABEL, IN PART: "Silver Sea Frosted Fillets Perch" and "Georgia Bank Brand * * * Frozen Rosefish Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: October 18, 1950. John Mantia & Sons Co. Inc., having appeared as claimant and the instant cases having been consolidated and removed for trial in the District of Massachusetts with certain other cases, and the claimant having subsequently consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 2,950 pounds of the Pennsylvania lot and all of the Ohio lot were found unfit and were destroyed.

17824. Adulteration and misbranding of canned shrimp. U. S. v. Morgan City Canning Co., Inc. Plea of guilty. Fine, \$1,200. (F. D. C. No. 29471. Sample Nos. 32541-K, 54683-K, 54684-K, 54686-K, 60572-K to 60576-K, incl.)

INFORMATION FILED: November 27, 1950, Eastern District of Louisiana, against Morgan City Canning Co., Inc., Houma, La.

ALLEGED VIOLATION: On or about August 22, 1947, the defendant gave to firms engaged in the business of shipping canned shrimp in interstate commerce, at New Orleans, La., guaranties to the effect that no canned shrimp sold by the defendant would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about September 21, 24, and 26, 1949, the defendant sold and delivered to the holders of the guaranties, at New Orleans, La., quantities of canned shrimp that were adulterated.

On or about December 31, 1949, and January 20, 1950, the defendant shipped quantities of adulterated and misbranded shrimp from the State of Louisiana into the State of Illinois.

LABEL, IN PART: (Portions) "Gulf Pearl Shrimp * * * Orleans Seafood Company New Orleans, La. Distributors," "Hamilton's Wet Pack Shrimp * * * Distributed By Hamilton Foods Inc. Chicago, Ill.," and "Bayou Rose Brand Wet Pack Shrimp Distributed By Morgan City Canning Co. Inc., Houma, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed shrimp.

Misbranding, Section 403 (h) (2), the article purported to be and was represented as canned wet pack shrimp in nontransparent containers, a food for which a standard of fill of container had been prescribed by regulations, and a portion of the article fell below the standard of fill of container since the containers were so filled that the cut-out weight of shrimp taken from each can was less than 64 percent of the water capacity of the container; and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: December 20, 1950. A plea of guilty having been entered, the court imposed a fine of \$1,200.

17825. Adulteration of canned crab meat. U. S. v. 15 Cases * * *. (F. D. C. No. 31342. Sample No. 25124-L.)

LABEL FILED: July 10, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 7, 1947, to Halifax, Nova Scotia, and reshipped on or about March 11, 1948, to Philadelphia, Pa. The shipment was unclaimed at destination.

PRODUCT: 15 cases, each containing 24 $7\frac{8}{10}$ -ounce cans, of crab meat at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance, and it was unfit for food by reason of the presence of decomposed and disintegrated crab meat. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 7, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

17826. Adulteration of canned black raspberries. U. S. v. 48 Cases * * *.
(F. D. C. No. 28996. Sample No. 43324-K.)

LIBEL FILED: May 4, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 22, 1949, by Michigan Fruit Cannery, Inc., from Benton Harbor, Mich.

PRODUCT: 48 cases, each containing 24 15-ounce cans, of black raspberries at Freeport, Ill.

LABEL, IN PART: (Can) "Dolly Madison Brand Michigan Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten berries.

DISPOSITION: October 15, 1951. Default decree of condemnation and destruction.

DRIED FRUIT

17827. Adulteration of figs. U. S. v. 50 Cases * * *. (F. D. C. No. 30545.
Sample No. 24856-L.)

LIBEL FILED: February 12, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 10, 1950, from Fresno, Calif.

PRODUCT: 50 cases, each containing 24 12-ounce boxes, of figs at Sunbury, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of sour and moldy figs. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 15, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

17828. Adulteration of frozen strawberries. U. S. v. 3,380 Cans * * *.
(F. D. C. No. 29917. Sample Nos. 84738-K, 84740-K, 84844-K, 84847-K, 84848-K.)

LIBEL FILED: October 4, 1950, Southern District of Ohio.

*See also No. 17813.

ALLEGED SHIPMENT: On or about June 1 and 2, 1950, by Brown's Frosted Foods, Inc., from Franklin, Ky.

PRODUCT: 3,380 30-pound cans of frozen strawberries at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: February 6, 1951. Brown's Frosted Foods, Inc., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered. The decree provided that the product might be released under bond for separation of the fit portion from the unfit. However, 3,320 cans which actually were seized were destroyed.

VEGETABLES*

17829. Misbranding of mushrooms. U. S. v. Patsy Bartogli & Son. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 31094. Sample No. 25244-L.)

INFORMATION FILED: June 6, 1951, Eastern District of Pennsylvania, against Patsy Bartogli & Son, a partnership, Avondale, Pa.

ALLEGED SHIPMENT: On or about March 7, 1951, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: (Basket) "Special Mushrooms 3 Lb. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets contained less than the declared weight of 3 pounds.

DISPOSITION: September 24, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$50.

17830. Adulteration of canned black-eyed peas. U. S. v. Thomas & Drake Canning Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 31131. Sample No. 78016-K.)

INFORMATION FILED: August 13, 1951, Eastern District of Oklahoma, against the Thomas & Drake Canning Co., a partnership, Haskell, Okla.

ALLEGED SHIPMENT: Within the period from on or about July 26 to on or about October 5, 1950, from the State of Oklahoma into the State of Tennessee.

LABEL, IN PART: (Can) "Prepared From Fresh Green Shelled Black Eye Peas * * * Packed By Thomas & Drake Canning Co., Haskell, Oklahoma."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: December 5, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

TOMATOES AND TOMATO PRODUCTS

17831. Adulteration and misbranding of canned tomatoes. U. S. v. 659 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 29752, 29782. Sample Nos. 66951-K, 81893-K.)

LIBELS FILED: October 2 and 3, 1950, Middle and Western Districts of North Carolina.

*See also No. 17813.

ALLEGED SHIPMENT: On or about September 1 and 2, 1950, by Stratford Packing Co., Inc., from Montross, Va.

PRODUCT: 1,555 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sanford and Charlotte, N. C.

LABEL, IN PART: (Can) "Stratford Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in the definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of the low drained weight and because a portion of the product contained excessive peel; and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 30, 1951. Stratford Packing Co., Inc., having consented to the entry of a decree and the case against the Sanford lot having been removed to the Western District of North Carolina, judgments of condemnation were entered and the court ordered that the product be delivered to charitable institutions.

17832. Adulteration and misbranding of tomato puree. U. S. v. 176 Cases
* * *. (F. D. C. No. 29933. Sample No. 55047-K.)

LIBEL FILED: October 17, 1950, Middle District of Alabama.

ALLEGED SHIPMENT: On or about January 12 and June 27, 1950, by the Akin Products Co., from Mission, Tex.

PRODUCT: 176 cases, each containing 6 6-pound, 5-ounce cans, of tomato puree at Montgomery, Ala.

LABEL, IN PART: "Val-Tex Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids as determined by the method prescribed in the standard.

DISPOSITION: November 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

17833. Adulteration of tomato sauce. U. S. v. 565 Cases * * *. (F. D. C. No. 30897. Sample No. 27842-L.)

LIBEL FILED: April 6, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about March 9, 1951, by Hunt Foods, Inc., from Hayward, Calif.

PRODUCT: 565 cases of tomato sauce at Paterson, N. J.

LABEL, IN PART: (Can) "Hunt's Tomato Sauce Net Weight 8 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 25, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

NUTS AND NUT PRODUCTS*

17834. Adulteration of brazil nuts. U. S. v. 182,103 Pounds * * *. (F. D. C. No. 29769. Sample No. 73033-K.)

LIBEL FILED: September 28, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about June 5, 1950, from Brazil.

PRODUCT: 182,103 pounds of brazil nuts at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts, and it was otherwise unfit for food by reason of the presence of rancid nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 11, 1950. Wm. A. Higgins & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations were completed on or about August 31, 1951, and resulted in the release of about 135,000 pounds of the product as fit for human consumption.

17835. Adulteration of peanut butter. U. S. v. The Kelly Co. Plea of nolo contendere. Fine of \$250, plus costs. (F. D. C. No. 31118. Sample No. 7391-L.)

INFORMATION FILED: July 24, 1951, Northern District of Ohio, against the Kelly Co., a corporation, Cleveland, Ohio.

ALLEGED SHIPMENT: On or about January 24, 1951, from the State of Ohio into the State of New York.

LABEL, IN PART: "Nutritious Dixie Brand Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 10, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$250, plus costs.

17836. Adulteration of peanut butter. U. S. v. 11 Cases, etc. (F. D. C. No. 31163. Sample Nos. 5511-L, 5512-L.)

LIBEL FILED: May 28, 1951, District of Maine.

ALLEGED SHIPMENT: On or about April 18, 1851, by John W. Leavitt Co., from Boston, Mass.

PRODUCT: Peanut butter. 11 cases, each containing 24 15-ounce jars, and 4 cases, each containing 24 8-ounce jars, at Rockland, Maine.

LABEL, IN PART: (Jar) "Teddie Homogenized Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect

*See also No. 17813.

fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

POULTRY

17837. Adulteration of dressed poultry. U. S. v. 233 Crates * * *. (F. D. C. No. 31334. Sample No. 24347-L.)

LIBEL FILED: July 9, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 30, 1951, by Rockland Poultry Co., Inc., from Rockland, Maine.

PRODUCT: 233 crates, each containing approximately 80 pounds, of dressed poultry at New York, N. Y. Examination showed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

LABEL, IN PART: "Rockland Poultry Co. Inc. Rockland, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: July 19, 1951. The Kastein-Hay Dressed Poultry Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by trimming and removing the heads and necks of the poultry down to the shoulders and removing all of the viscera, under the supervision of the Food and Drug Administration.

17838. Adulteration of dressed poultry. U. S. v. 32 Crates * * *. (F. D. C. No. 31339. Sample No. 24346-L.)

LIBEL FILED: July 9, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 1, 1951, by the Phillip Cohen Poultry Co., from Waldoboro, Maine.

PRODUCT: 32 crates, each containing approximately 79 pounds, of dressed poultry at New York, N. Y. Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: August 2, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by removal of the necks of the birds and evisceration, under the supervision of the Food and Drug Administration.

17839. Adulteration of dressed poultry. U. S. v. 13 Crates * * *. (F. D. C. No. 31340. Sample No. 24345-L.)

LIBEL FILED: July 11, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 2, 1951, by the New Hampshire Poultry Co., from Manchester, N. H.

PRODUCT: 13 crates, each containing approximately 75 pounds, of dressed poultry at New York, N. Y. Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: August 2, 1951. The H. & H. Poultry Corp. of New York having filed a claim as agent for Max Meyers, Manchester, N. H., owner of the product, and having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging by removal of the necks of the birds and evisceration, under the supervision of the Food and Drug Administration.

17840. Adulteration of dressed poultry. U. S. v. 5 Crates * * *. (F. D. C. No. 30404. Sample No. 73166-K.)

LIBEL FILED: January 26, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about December 19 and 20, 1950, by the Maplewood Packing Co., from Belfast, Maine.

PRODUCT: 5 crates containing a total of 340 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal, or of an animal that had died otherwise than by slaughter.

DISPOSITION: May 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

17841. Adulteration of dressed poultry. U. S. v. 130 Pounds * * *. (F. D. C. No. 31155. Sample No. 24333-L.)

LIBEL FILED: May 28, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 13, 1951, by the Maplewood Packing Co., from Belfast, Maine.

PRODUCT: 130 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal. (Examination showed the presence of diseased birds and birds that were contaminated with fecal matter.)

DISPOSITION: July 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17842. Adulteration of dressed poultry. U. S. v. 331 Pounds * * *. (F. D. C. No. 31165. Sample No. 24335-L.)

LIBEL FILED: June 1, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 15, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 331 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

DISPOSITION: July 11, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration; that the fit portion of the remainder be segregated and delivered to charitable institutions; and that the unfit portion be destroyed.

17843. Adulteration of dressed poultry. U. S. v. 110 Pounds * * *. (F. D. C. No. 31310. Sample No. 24344-L.)

LIBEL FILED: July 2, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 5, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 110 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

DISPOSITION: July 31, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17844. Adulteration of frozen turkeys. U. S. v. 10 Boxes * * *. (F. D. C. No. 31316. Sample No. 1913-L.)

LIBEL FILED: On or about July 3, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 1, 1951, by the Canton Poultry Co. of Florida, from Miami, Fla.

PRODUCT: 10 boxes each box containing 12 frozen turkeys at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed turkeys.

DISPOSITION: July 31, 1951. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

17845. Adulteration and misbranding of orange oil, anise oil, and lime oil. U. S. v. 1 Can, etc. (F. D. C. No. 31214. Sample Nos. 24029-L to 24031-L, incl.)

LIBEL FILED: June 22, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about December 16, 1950, and May 10, 1951, by Industrial Frutal Works, Inc., from New York, N. Y.

PRODUCT: 1 25-pound can of orange oil, 1 25-pound can of anise oil, and 1 25-pound can of lime oil at Paterson, N. J.

LABEL, IN PART: "Oil of Orange Calif. U. S. P.," "Oil of Anise U. S. P.," and "Oil of Lime U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products containing added mineral oil had been substituted in part, respectively, for oil of orange, oil of anise, and oil of lime.

Misbranding, Section 403 (a), the label statements "Oil of Orange * * * U. S. P.," "Oil of Anise U. S. P.," and "Oil of Lime U. S. P.," were false and misleading.

DISPOSITION: August 14, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17846. Adulteration and misbranding of lemon oil. U. S. v. 4 Tins * * * (and 1 other seizure action). (F. D. C. Nos. 31048, 31141. Sample Nos. 11083-L, 24021-L.)

LIBELS FILED: April 9 and May 21, 1951, Southern District of Ohio and District of New Jersey.

ALLEGED SHIPMENT: On or about February 20 and April 24, 1951, by Magnus, Mabee & Reynard, Inc., from New York, N. Y.

PRODUCT: Lemon oil. 4 25-pound tins at Cincinnati, Ohio, and 3 25-pound tins at Hoboken, N. J.

LABEL, IN PART: "Magna Lemon Oil American Expressed U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an oil other than oil expressed from the peel of lemons had been substituted in whole or in part for lemon oil U. S. P.

Misbranding, Section 403 (a), the label designation "Lemon Oil * * * U. S. P." was false and misleading.

DISPOSITION: October 2 and 8, 1951. The shipper, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be denatured and disposed of for purposes other than as a food or a drug, under the supervision of the Food and Drug Administration.

17847. Adulteration and misbranding of lemon oil. U. S. v. 4 Cans * * *. (F. D. C. No. 31133. Sample No. 24017-L.)

LIBEL FILED: May 9, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about January 23, 1951, by the Felton Chemical Co., from Brooklyn, N. Y.

PRODUCT: 4 25-pound cans of lemon oil at Bloomfield, N. J.

LABEL, IN PART: (Can) "Key Brand Oil of Lemon Cold Pressed U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), oil other than one expressed from the peel of lemons had been substituted in whole or in part for oil of lemon U. S. P.

Misbranding, Section 403 (a), the label designation "Oil of Lemon * * * U. S. P." was false and misleading.

DISPOSITION: October 18, 1951. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of 1 pint which the court ordered delivered to the Food and Drug Administration.

17848. Adulteration of imitation lemon flavor. U. S. v. 35 Cases * * *. (F. D. C. No. 30805. Sample No. 67788-K.)

LIBEL FILED: March 1, 1951, District of Utah.

ALLEGED SHIPMENT: On or about March 25, 1949, and February 7, 1950, by the Robb-Ross Co., from Sioux City, Iowa.

PRODUCT: 35 cases, each containing 24 8-ounce bottles, of imitation lemon flavor at Salt Lake City, Utah.

LABEL, IN PART: (Bottle) "8 Fluid Ounces Pantry Pride Brand Imitation Lemon Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance essentially devoid of flavoring properties had been substituted for imitation lemon flavor.

DISPOSITION: October 29, 1951. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

17849. Adulteration and misbranding of vitamin tablets. U. S. v. 102 Bottles, etc. (F. D. C. No. 31312. Sample Nos. 27878-L, 27879-L.)

LIBEL FILED: July 3, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about June 5, 1951, by E. S. Morris, from Millville, N. J.

PRODUCT: 102 bottles, each containing 90 tablets, of Formula DS-25, and 250 bottles, each containing 90 tablets of Formula DS-28, at San Francisco, Calif.

LABEL, IN PART: (Bottle) "Dietary Supplements * * * Formula DS-25 Vitamin A & D Each Brown s-c. Tablet contains: Vitamin A 5000 I.U. * * * Manufactured By E. S. Morris Co. San Francisco, Calif." and "Formula DS-28 Each Tablet contains: * * * Vitamin D 500 I.U."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A (Formula DS-25) and vitamin D (Formula DS-28), had been in part omitted or abstracted from the products.

Misbranding, Section 403 (a), the label statements (Formula DS-25) "Each Brown s-c. Tablet contains: Vitamin A 5000 I.U. * * * One tablet daily supplies 125% of the established minimum daily requirements of each of the Vitamins A * * * for individuals 12 years of age and over" and (Formula DS-28) "Each tablet contains * * * Vitamin D 500 I.U. * * * Three tablets daily supply * * * 375% of the M. D. R. of Vitamin D for individuals 12 years of age and over" were false and misleading as applied to the articles, which contained less than the declared amounts of vitamin A and vitamin D, respectively.

DISPOSITION: August 8, 1951. Default decree of condemnation and destruction.

17850. Adulteration and misbranding of vitamin lollipops. U. S. v. 14 Dozen Boxes * * *. (F. D. C. No. 31319. Sample No. 24527-L.)

LIBEL FILED: June 29, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about November 21, 1950, by the Sternfeld Pharmacal Corp., from Albany N. Y.

PRODUCT: 14 dozen boxes each box containing 8 vitamin lollipops at New Brunswick, N. J. This product contained substantially less than the labeled amount of vitamin B₁.

LABEL, IN PART: (Box) "Vitamin Lollipops * * * Each Vitamin Lollipop contains * * * Vitamin B₁, 0.33 mg."

*See also No. 17813.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each Vitamin Lollipop contains * * * Vitamin B₁, 0.33 mg." was false and misleading since the product contained less than the stated amount of vitamin B₁; and the label statements "The above is as recommended by the National Research Council for the average child between ages of 1 to 12 * * * Children will like this lollipop way to get their vitamins every day" were false and misleading since they implied that the National Research Council recommended the use of this lollipop to supply vitamins to children and that the lollipop supplied all the essential vitamins, when such was not the fact.

DISPOSITION: August 24, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17801 TO 17850

PRODUCTS

	N. J. No.		N. J. No.
Anise oil_____	17845	Fruits and vegetables—Continued	
Beans, black turtle, dried, and		tomatoes and tomato prod-	
navy_____	17813	ducts_____	17831-17833
Beverages and beverage mate-		vegetables_____	17813, 17829, 17830
rials_____	¹ 17801-17803, 17813	Gum, chewing_____	³ 17804
Black-eyed peas, canned_____	17830	Kream-Whip_____	17813
Bouillon cubes_____	17813	Lemon flavor, imitation_____	17848
Brazil nuts_____	17834	juice_____	17813
Brewers rice_____	17814	oil_____	17846, 17847
Butter_____	17816, ² 17817	Quick_____	17803
Candy_____	^{3, 4} 17804-17809, 17850	Lime oil_____	17845
Cereals and cereal products---	17810-17815	Lollipops, vitamin_____	17850
Cheese, grated_____	17818, 17819	Macaroni and noodle products--	17812, 17813
Chewing gum_____	³ 17804	Mixes, muffin and waffle_____	17813
Chicken noodle soup mix_____	17813	Muffin mix_____	17813
Coffee_____	¹ 17801, 17802	Mushrooms_____	17829
Crab meat, canned_____	17825	Navy beans_____	17813
Dairy products_____	² 17816-17819	Noodles. <i>See</i> Macaroni and noo-	
Figs_____	17827	dle products.	
Fish and shellfish_____	17820-17825	Nuts and nut products--	17813, 17834-17836
Flavors. <i>See</i> Spices, flavors, and		Olive butter_____	17813
seasoning materials.		Orange oil_____	17845
Flour_____	17810, 17811	Peanut(s), butter_____	17835, 17836
Formulas DS-25 and DS-28 (vi-		salted_____	17813
tamin tablets)_____	17849	Peas, black-eyed, canned_____	17830
Fruits and vegetables---	17813, 17826-17833	split, yellow_____	17813
fruit, canned_____	17826	Perch fillets, frozen_____	17820-17823
dried_____	17827	Potatoes, canned_____	17813
frozen_____	17828	Poultry, dressed_____	17837-17844
		Raspberries, black, canned_____	17826

¹ (17801) Prosecution contested.

² (17817) Seizure contested.

³ (17804) Seizure contested. Contains opinions of the courts.

⁴ (17808) Contempt proceedings charging resistance to seizure.

	N. J. No.
Rice, brewers-----	17814
Rosefish fillets, frozen-----	17823
Shellfish. <i>See</i> Fish and shellfish.	
Shrimp, canned-----	17824
Soup mix, dehydrated-----	17813
Spices, flavors, and seasoning materials-----	17845-17848
Strawberries, frozen-----	17828
Tomato(es), canned-----	17831
puree-----	17832
sauce-----	17833

	N. J. No.
Vegetables. <i>See</i> Fruits and vegetables.	
Vitamin, mineral, and other products of special dietary significance----	17813, 17849, 17850
Waffle mix-----	17813
Wheat -----	17815
germ, toasted-----	17813

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.
Akin Products Co.:	
tomato puree-----	17832
Bartogli, Patsy, & Son:	
mushrooms-----	17829
Brown's Frosted Foods, Inc.:	
frozen strawberries-----	17828
Canton Poultry Co. of Florida:	
frozen turkeys-----	17844
Cohen, Phillip, Poultry Co.:	
dressed poultry-----	17838
Felton Chemical Co.:	
lemon oil-----	17847
Genoa Fisheries, Inc.:	
frozen perch fillets-----	17821, 17822
Hamilton Foods, Inc.:	
canned shrimp-----	17824
Heiman, Arthur:	
candy-----	17805
Hunt Foods, Inc.:	
tomato sauce-----	17833
Industrial Frutal Works, Inc.:	
orange oil, anise oil, and lime oil-----	17845
Jarrell & Rea:	
frozen perch fillets-----	17822
Kansas City Coffee Co. <i>See</i> Kavorinos, F. A.	
Kavorinos, F. A.:	
coffee -----	17802
Kelly Co.:	
peanut butter-----	17835
Klein's Bakery:	
flour-----	17811
Leavitt, John W., Co.:	
peanut butter-----	17836

	N. J. No.
Lemon Quick, Inc.:	
Lemon Quick-----	17803
Lewis Foods, Inc.:	
butter-----	17816
Lorraine Trading Corp.:	
coffee-----	¹ 17801
Magnus, Mabee & Reynard, Inc.:	
lemon oil-----	17846
Mantia, John, & Sons Co., Inc.:	
frozen perch fillets and frozen rosefish fillets-----	17823
Maplewood Packing Co.:	
dressed poultry-----	17840, 17841
Michigan Fruit Cannery, Inc.:	
canned black raspberries-----	17826
Mintco of California:	
candy-----	17808
Morgan City Canning Co., Inc.:	
canned shrimp-----	17824
Morris, E. S.:	
vitamin tablets-----	17849
Morris, E. S., Co.:	
vitamin tablets-----	17849
Moss Food Products Corp.:	
grated cheese-----	17818, 17819
Mullaney, G. W.:	
candy-----	⁴ 17808
Murdo Elevator Co.:	
wheat-----	17815
New Hampshire Poultry Co.:	
dressed poultry-----	17839
North American Creameries, Inc.:	
butter-----	² 17817

¹ (17801) Prosecution contested.
² (17817) Seizure contested.
⁴ (17808) Contempt proceedings charging resistance to seizure.

	N. J. No.		N. J. No.
Orleans Poultry Co.:		Spangler Candy Co.:	
dressed poultry-----	17842, 17843	candy-----	17806
Orleans Seafood Co.:		Sternfeld Pharmacal Corp.:	
canned shrimp-----	17824	vitamin lollipops-----	17850
Producers Rice Mill, Inc.:		Stratford Packing Co., Inc.:	
brewers rice-----	17814	canned tomatoes-----	17831
Rhodes Candy Co.:		Sumner County Co-Operative	
candy-----	17809	Creamery Assn.:	
Robb-Ross Co.:		butter -----	17816
imitation lemon flavor-----	17848	Thomas & Drake Canning Co.:	
Rockland Poultry Co., Inc.:		canned black-eyed peas-----	17830
dressed poultry-----	17837	Trident Fisheries, Inc.:	
Runkle Co.:		frozen ocean perch fillets-----	17820
candy-----	17807	U. S. Macaroni Mfg. Co.:	
Slomowitz, Ben:		egg noodles and macaroni-----	17812
coffee -----	¹ 17801	Utah Wholesale Grocery:	
Spangler, N. E.:		flour-----	17810
candy-----	17806	Vinalhaven Fisheries, Inc.:	
		frozen perch fillets-----	17822

¹ (17801) Prosecution contested.

The Official Text of Federal Government
Emergency Control Regulations on prices,
wages, production, transportation, hous-
ing, finance, fuels, minerals, etc., is
published in the daily *Federal Register*.
The *Federal Register* is the only periodical
in which publications of *All* emergency
control regulations is required by law.

The *Federal Register* publishes daily the full text of Presidential
Proclamations and Executive orders and any order, regulation, notice,
or similar document promulgated by Federal administrative agencies
which has general applicability and legal effect. A sample copy may
be obtained on request to the *Federal Register*, Washington 25, D. C.

Order from the Superintendent of Documents, United States Govern-
ment Printing Office, Washington 25, D. C. Subscription: \$1.50 per
month, \$15 per year.



VOLUME 16
NUMBER 207
Washington, Wednesday, October 24, 1951

TITLE 7—AGRICULTURE

Chapter IX—Production and Mar-
keting Administration (Marketing
Agreements and Orders), Depart-
ment of Agriculture

Part 954—Pecans Grown in Oregon,
Alabama, Florida, Mississippi, and
South Carolina

GRADE AND SIZE REGULATION

Pursuant to Marketing Agreement No.
111 and Order No. 94, regulating the
handling of pecans grown in Georgia,
Alabama, Florida, Mississippi, and
South Carolina (7 CFR Part 954), issued
under the applicable provisions of the
Agricultural Marketing Agreement Act
of 1937, as amended (7 U. S. C. 601 et
seq.), and upon the basis of information
submitted by the Pecan Administrative
Committee, under the order, it is hereby
found that to establish the grade
and size regulation hereinafter provided
will tend to effectuate the declared policy
of the act.

The Department finds that it is un-
necessary and contrary to the public in-
terest to require the establishment of a
public rule making procedure or res-
pound the effective date of this order until
thirty (30) days after publication in the
Federal Register, for the reasons that
(1) the handling of 1951 crop pecans is
imminent within the production area,
and (2) the grade and size regula-
tion set forth herein is necessary and
effective prior to the handling of such
pecans; (3) the grade and size regula-
tion prescribed herein is based on the
revised U. S. Standards for Pecans in
the Shell issued by the Department on
October 1, 1951, and instructions to
inspectors for making commercial in-
spections of pecans during the 1951 crop
season on the basis of the revised stan-
dards; (4) the adoption of the grade and
size regulation provided herein will not
result in any substantial changes in the
minimum grade and size requirements in
effect during the past season; (5) the
minimum grade and size regulation pro-
vided for the 1951 crop pecans is based
on the U. S. Standards which became

CONTENTS		Page
Agriculture Department See Production and Marketing Administration		
Alien Property, Office of Notices		
Vesting orders, etc.		
Ausiol, Albert and Andre	10845	
Drendel & Zwilling	10845	
Paick, Rudolph, and Barones Lone Loeffelholz von Col- lers	10845	
Krasner, Joseph et al.	10845	
Lasche, Irene, and Oshields Pondlian	10846	
Moser, Wilhelm	10846	
Muller, E. O.	10846	
Netinger, William	10846	
Rapp, Charles	10846	
Reichman, Joseph	10846	
Sarazin, Raoul, Roland Ray- mond	10846	
Simons, Melville	10845	
Sticht, Walter	10845	
Tierckhauf, Johann Ernst Claus	10845	
Wiedehaus, Anna	10846	
Army Department See Army Department		
Reserve officers' training corps: conditions for enrollment in a specific course	10807	
Civil Aeronautics Board Notices		
Pan American World Airways, Inc.: hearing	10829	
Commerce Department See Foreign-Trade Zone Board		
Customs Bureau Proposed rule making: Rate of compensation for over- time; night service	10823	
Defense Department See Army Department		
Economic Stabilization Agency See Price Stabilization, Office of; Wage Stabilization Board		
Federal Civil Defense Admin- istration Rules and regulations: Contractual standards to be fol- lowed	10857 10901	

(Continued on next page)

1
732 Nf

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

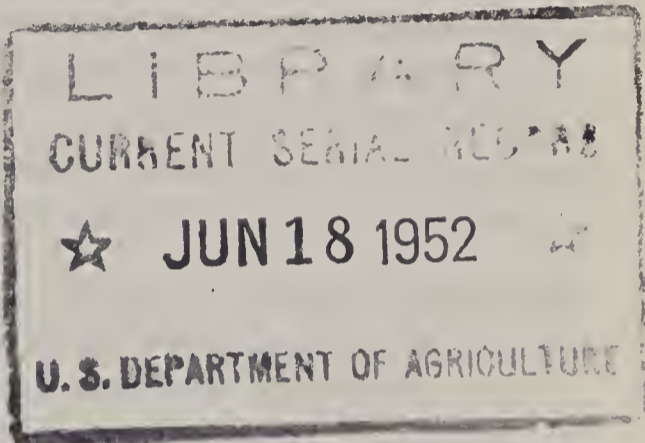
Reserve

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17851-17900

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., May 26, 1952.

CONTENTS

	Page		Page
Candy and sirup.....	422	Fruits and vegetables—Continued	
Cereals and cereal products.....	427	Frozen fruit.....	434
Flour.....	427	Vegetables.....	435
Miscellaneous cereals and cereal		Tomatoes and tomato products ..	436
products.....	428	Nuts.....	437
Dairy products.....	429	Oleomargarine.....	438
Butter.....	429	Poultry.....	438
Cheese.....	430	Spices, flavors, and seasoning ma-	
Eggs.....	430	terials.....	440
Fish and shellfish.....	431	Vitamin, mineral, and other prod-	
Fruits and vegetables.....	433	ucts of special dietary signi-	
Canned fruit.....	433	ficance.....	442
Dried fruit.....	434	Index.....	443

CANDY AND SIRUP

17851. Adulteration of candy. U. S. v. Health Food Products Co., Inc., and W. Roy Clark and William R. Clark, Jr. Pleas of nolo contendere. Corporation fined \$350; each individual fined \$200. (F. D. C. No. 31107. Sample Nos. 11673-L, 11674-L.)

INFORMATION FILED: July 20, 1951, Western District of Kentucky, against Health Food Products Co., Inc., Louisville, Ky., and W. Roy Clark, president-treasurer of the corporation, and William R. Clark, Jr., secretary.

ALLEGED SHIPMENT: On or about February 5 and 6, 1951, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Brittle Scotties Hoe Cake" or "Peanut Brittle."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 4, 1951. Pleas of nolo contendere having been entered, the court fined the corporation \$350 and each individual defendant \$200.

17852. Misbranding of blackstrap molasses. U. S. v. 8 Cartons, etc. Amended libel filed following decision of court that original libel be dismissed. Decree of condemnation. (F. D. C. No. 30780. Sample No. 6754-L.)

LIBEL FILED: March 2, 1951, Western District of New York; amended libel filed May 10, 1951.

ALLEGED SHIPMENT: On or about November 30 and December 7, 14, and 21, 1950, and January 11, 1951, by Nature Food Centres, from Boston, Mass.

PRODUCT: 8 cartons, each containing 24 1-pint jars, and 8 cartons, each containing 12 1-quart jars, of blackstrap molasses at Rochester, N. Y., in possession of Nature Food Centres, together with a number of copies of a book entitled "Look Younger, Live Longer," by Gayelord Hauser, which related to the product.

LABEL, IN PART: (Jar) "Plantation 'The Original' Recommended and Endorsed by Gayelord Hauser Blackstrap Molasses (Crude Black Molasses) * * * Packed by Allied Molasses Co., Inc., Perth Amboy, N. J."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article, namely, the book entitled "Look Younger, Live Longer" by Gayelord Hauser, which accompanied the article, contained statements which were false and misleading. The statements represented and suggested that the article would add five youthful years to an individual's life and was an excellent source of many B vitamins; that it was effective in the treatment of deficiencies of B vitamins, in the prevention and treatment of menopausal difficulties and menstrual abnormalities, and in inducing sleep; that it was effective to prevent and correct nervousness, to grow hair and correct baldness, and to restore gray hair and to restore it to its natural color; that it was effective to promote better digestion, healthy nerves, and healthy heart; that it was effective to prevent and correct constipation, poor digestion, tiredness, heart trouble, neuritis, and gas; that it was effective to prevent changes due to old age; and that it was effective to promote normal functioning of the glands. The article was

not capable of fulfilling the promises of benefit made for it, and it was not effective for the purposes stated and implied.

The article was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3658.

DISPOSITION: Farrar, Straus & Young, Inc., New York, N. Y., appeared as claimant for the books and moved for an order dismissing the libel insofar as it related to the seized copies of the book. On April 14, 1951, after consideration of the arguments and briefs of counsel, the court handed down the following opinion sustaining the claimant's motion:

BURKE, District Judge: "The government filed a libel of information asking seizure and condemnation under the Federal Food, Drug and Cosmetic Act, 21 U. S. C. 301 et seq. of a certain quantity of 'Plantation' blackstrap molasses, packed by Allied Molasses Co., Inc., and certain copies of a book entitled 'Look Younger, Live Longer' by Gayelord Hauser. The libel alleges in substance that the 'Plantation' molasses and copies of the book 'Look Younger, Live Longer' were shipped via the same carrier on or about November 30, December 7, 14 and 21, 1950, and January 11, 1951, from Nature Food Centres, Inc., Boston, Massachusetts, to Rochester, New York, and that the molasses was misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce, within the meaning of Sections 343 (a) and 352 (a) of Title 21 U. S. C. in that the book accompanied the molasses and thus constituted false and misleading labeling. A quantity of the molasses and a number of copies of the book were seized by the United States Marshal at a retail store owned and operated by Rochester Natural Food Store, Inc., on March 6, 1951, under a warrant issued by this court pursuant to the libel.

"Farrar, Straus and Young, Inc., has filed a claim to the seized copies of the book alleging that it is the publisher and bona fide owner of the books. It moves here for an order, pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure, dismissing the libel insofar as it relates to the seized copies of the book, on the ground that the libel insofar as it relates to the books, fails to state a claim upon which relief can be granted under the Act in that the book did not and does not constitute 'labeling,' within the meaning of the Act.

"The seizure was based upon Section 334 (a) of Title 21 U. S. C. which provides:

Any article of food, drug, * * * that is * * * misbranded when introduced into or while in interstate commerce or while held for sale * * * after shipment in interstate commerce, * * * shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found: * * *.

"The claim that the molasses was misbranded is based on the ground that the book constituted 'labeling.' This is based on the assertion that copies of the book and a quantity of the molasses were shipped simultaneously from a Boston wholesaler to Rochester via the same carrier, and thus that the statements of the author contained in the book regarding blackstrap molasses accompanied the molasses so as to constitute the book 'labeling' of the product, and that such statements are false and misleading since the article is not capable of fulfilling the promises of benefit made for it and is not effective for the purposes stated or implied.

"Molasses is a dark colored viscid syrup which drains from sugar in the process of manufacture. The seizure involved molasses packed for sale in pint and quart jars. The pint jars had a selling price of 29¢, the quart jars 49¢.

" 'Look Younger, Live Longer' is a full-length book containing 383 pages. It was first published in February 1950. It has had 16 printings, totaling 340,000 copies. It is currently on the best seller list and has been since February 1950. It has had a wide distribution and sale in book stores, department stores, health

food stores and numerous other retail outlets. The book discusses the merits and uses of many foods, drugs and cosmetics generally, including blackstrap molasses. It does not mention 'Plantation' blackstrap molasses or any other food, drug, device or cosmetic by trade-mark or brand name. It advertises no products. The publisher is engaged solely in the business of publishing books. It has no connection with any manufacturer, processor, (sic) packer or seller of food, nor does the libel make any claim that it has, other than such as might be implied from the claim that the statements contained in the book regarding the blackstrap molasses constituted 'labeling' of the product.

"The motion involves the interpretation of the meaning of 'labeling' as used in the Act. Section 343 (a) provides that a food shall be deemed to be misbranded if its 'labeling' is false or misleading in any particular. Section 321 (m) defines 'labeling' to mean * * * all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.'

"The circumstance of simultaneous shipment of written, printed, or graphic matter with an article of food, or drug via the same carrier, without more, does not constitute the written, printed, or graphic matter 'labeling' of the product. It must have some relation to the food or drug. Otherwise an allegation of mere physical accompaniment in an interstate shipment would be enough to draw into the condemnation of the statute written, printed, or graphic matter wholly unrelated to the article claimed to be misbranded. Nor is the circumstance that written, printed, or graphic matter alleged to be 'labeling,' did not physically accompany the article in shipment, sufficient to establish that it is not 'labeling,' within the meaning of the Act, so long as 'they were parts of an integrated distribution program.' *Kordel vs. United States*, 335 U. S. 345, 350.

"'Look Younger, Live Longer' is a publication entirely independent in authorship and unrelated to the enterprise of marketing 'plantation' blackstrap molasses. It had attained wide acceptance as a publication long before the alleged violation in question. It had been generally sold in retail stores where books are usually sold. It was a legitimate publication for bona fide sale even in a food store. There is no claim in the libel that the selling price of \$3 per copy was a fictitious selling price nor any claim that a purchaser of 'Plantation' blackstrap molasses could get it for less than \$3 per copy with a purchase of a pint jar for 29¢ or a quart jar for 49¢. It was not an 'easy device of a "sale" of the advertising' to circumvent the Act as in *Kordel*. (Page 350).

"But, the government says, the allegations of the libel must be accepted as true for purposes of this motion and so, counsel argues, the allegation that the book served to misbrand the article while it was being held for sale after shipment in interstate commerce, must be accepted as true. That allegation is nothing more than a legal conclusion. The question presented here is whether the allegations of fact, not legal conclusions, are sufficient to support the seizure. The question whether the use to which the book was put in connection with marketing the molasses, while held for sale after shipment, constitutes 'labeling' is not here for determination, because the libel contains no allegations respecting such use. The seizure of the books rests on the naked claim that the molasses was misbranded because it was simultaneously shipped with the books in interstate commerce via the same carrier.

"There are no allegations of fact in the libel amounting to functional interdependence of the article and the books, so as to constitute the books 'labeling' under the Act.

"The libel insofar as it relates to the book 'Look Younger, Live Longer' should be dismissed and the seizure of the books vacated."

On April 23, 1951, a notice of motion to amend the libel was filed on behalf of the Government; thereafter, a motion to amend was filed, together with the briefs of the parties; and on May 10, 1951, the court ordered that the Government's motion for leave to file an amended libel of information be granted.

The amended libel alleged further that the book entitled "Look Younger, Live Longer" by Gayelord Hauser accompanied the article as labeling when it was introduced into, while in, and while held for sale after shipment in, interstate commerce by reason of the following:

The labels on the jars of the article contained no reference to any disease or condition of the body, or to the vitamin or mineral content of the article, except that the statement "The mineral content is high" appeared on the label.

The labels on the jars of the article bore on the principal panel the legend "Recommended and Endorsed by Gayelord Hauser."

The author of the book "Look Younger, Live Longer" is the said Gayelord Hauser.

The book by Gayelord Hauser contained recommendations and endorsements for blackstrap molasses in the treatment of diseases and conditions of the body and as to the vitamin and mineral content of blackstrap molasses.

That "Plantation Blackstrap Molasses" was the only blackstrap molasses recommended and endorsed by Gayelord Hauser; and blackstrap molasses differs from the usual or customary article of food sold as "molasses" in that it is "The poorest, is the final, or exhausted molasses of raw sugar manufacture" (The Encyclopedia of Food, Artemas Ward, 1941), and is defined in Cane Sugar Handbook, Spencer and Meade, 1945, as—

Refining Sirup, Barrel Sirup. Refining Blackstrap. The end product of the refinery is the sirup purged from the lowest-grade remelt strikes which have been cured in crystallizers. In those plants which do not char-filter their low-grade materials, this product is refinery blackstrap and does not differ materially from cane factory blackstrap, although it is usually less viscous. It is used for the same purposes, viz., alcohol manufacture, cattle feed yeast.

That by reason of such recommendation and endorsement, Gayelord Hauser benefited, was benefiting, and would continue to benefit by the sale of "Plantation Blackstrap Molasses," in that, by the terms of an agreement with the Allied Molasses Co., Inc., the packer of said "Plantation Blackstrap Molasses," a so-called royalty or remuneration was set aside for the benefit of the said Gayelord Hauser, based on the output of such product bearing his endorsement and recommendation.

In addition to the product and the book having a common origin at Boston, Mass., and a common destination at Rochester, N. Y., and accompanying each other in interstate commerce, there was transmitted also in interstate commerce, via the U. S. Mails, on or about January 13, 1951, from Nature Food Centres, Boston, Mass., to Nature Food Centres, Rochester, N. Y., a certain window display poster featuring (1) a reprint of an article by the said Gayelord Hauser which appeared in the January 1951 issue of Cosmopolitan Magazine, (2) a printed list which read, in part as follows:

Hauser Dieters, Now You Can order all products for the Hauser diet and Gayelord Hauser books by mail * * * Plantation Blackstrap Molasses 33¢ Nature Food Centres

and (3), in handwriting, "We have all foods and books for the Hauser diet! Come in for full information."

The book and poster were displayed prominently in the store window of Nature Food Centres at Rochester, N. Y., together with a number of jars of "Plantation Blackstrap Molasses."

In response to the invitation to "Come in for full information" with respect to products for the Hauser diet and the Gayelord Hauser books, the customary practice was to hand a prospective purchaser of "Plantation Blackstrap Molasses" a copy of the book "Look Younger, Live Longer" and to refer the purchaser to the index of this book wherein references are made to those pages

which pertain to the uses and purposes of blackstrap molasses. The uses and purposes of blackstrap molasses in the book referred to diseases and conditions of the body and the vitamin and mineral content of blackstrap molasses.

That by reason of the foregoing uses to which the book "Look Younger, Live Longer" was put and as part of the same interstate transaction and distributional scheme in connection with the marketing of "Plantation Blackstrap Molasses," the book constituted labeling for the article when the article was introduced into, while in, and while held for sale after shipment in, interstate commerce.

Following the filing of the amended libel, the claimant filed a motion to dismiss this libel insofar as it related to the seized copies of the book; and on August 2, 1951, the following decision was handed down by the court in denial of such motion:

BURKE, *District Judge*: "This is a motion by the claimant, the publisher of the book 'Look Younger, Live Longer' by Gayelord Hauser, and the owner of 25 copies of the book seized by the Government, to dismiss the amended libel in so far as it relates to the seized copies of the book, on the ground that the amended libel in so far as it relates to the books fails to state a claim upon which relief can be granted under the Federal Food, Drug, and Cosmetic Act, 21 U. S. C. 301 et seq. The claim is that the book did not and does not constitute 'labeling' within the meaning of the Act. Heretofore, on April 14, 1951, on motion of the publisher, the original libel in so far as it related to the book 'Look Younger, Live Longer' was dismissed and the seizure of the books vacated.

"The amended libel alleges in part that the book contains statements which represent and suggest that the article (blackstrap molasses) will add five youthful years to an individual's life, is an excellent source of many B vitamins, is effective in the treatment of deficiencies of B vitamins, is effective in the prevention and treatment of menopausal difficulties and menstrual abnormalities, is effective in inducing sleep, is effective to prevent and correct nervousness, to grow hair and correct baldness, to restore gray hair and correct baldness, to restore gray hair to its natural color, is effective to promote better digestion, healthy nerves, healthy heart and to prevent and correct constipation, poor digestion, tiredness, heart trouble, neuritis and gas, is effective to prevent change due to old age, and is effective to promote functioning of the glands, all of which statements are claimed to be false and misleading since the article is not capable of fulfilling the promises of benefit made for it and is not effective for the purposes stated and implied. It alleges that the book accompanied the molasses as 'labeling' when the article was introduced into, while in, and while held for sale after shipment in interstate commerce. It alleges that on or about January 13, 1951, in a store conducted by Nature Food Centres at Rochester, New York, a window display featured a re-print of an article by the author of the book, Gayelord Hauser, which appeared in the January, 1951, issue of Cosmopolitan Magazine, and a printed list which reads in part as follows:

Hauser Dieters. Now you can order all products for the Hauser diet and Gayelord Hauser books by mail * * * "Plantation" Blackstrap Molasses 33¢, Nature Food Centres

We have all foods and books for the Hauser diet. Come in for full information.

It alleges further that a copy of the book was prominently displayed in the store window of Nature Food Centres at 401 East Main Street, Rochester, New York together with a number of jars of 'Plantation' blackstrap molasses. It alleges further that in response to such invitation to 'come in for full information' that it was the customary practice to hand a prospective purchaser of 'Plantation' blackstrap molasses a copy of the book 'Look Younger, Live Longer,' by Gayelord Hauser, and to refer such prospective purchaser to the index of the book wherein references are made to those pages which pertain to the uses and purposes of blackstrap molasses. It alleges that by reason of the foregoing uses to which the book was put and as part of the same interstate transaction and distributional scheme in connection with the marketing

of 'Plantation' blackstrap molasses, such book constituted 'labeling' for the article as defined in the Act, when the article was introduced into, while in, and while held for sale after shipment in interstate commerce.

"The publisher, concededly not a party to the plan of distribution and having no connection with Nature Food Centres in the marketing of molasses, claims that the Act provides no authority for the seizure and condemnation of its books as 'printed matter accompanying' an article. I can see no warrant in reason for such a narrow construction of Section 334 of the Act nor do I find any authoritative decisions indicating that the seizure provisions of the Act should be so circumscribed.

"The publisher further claims that to construe the publisher's book as 'labeling' of 'Plantation' blackstrap molasses would violate the publisher's right of freedom of the press under the Federal Constitution, and that this summary seizure of copies of the book as 'labeling' of a commercial product violates the constitutional guarantee of freedom of the press. The Administrator by resorting to the seizure provisions of the Act does not undertake to interfere with the publication or circulation of the publisher's book. The seizure has not interfered with the bona fide sale of the book. The publisher may continue to sell its books wherever it finds a market, even in food stores, and even in stores where 'Plantation' blackstrap molasses is sold. The seizure relates not to books offered for bona fide sale but to copies of the book claimed to be offending against the Act by being associated with the article 'Plantation' Blackstrap Molasses in a distribution plan in such a way as to misbrand the product.

"Motion denied. It is hereby so ordered."

On September 10, 1951, the claimant having failed to pursue the matter further, judgment of condemnation was entered and the court ordered that the property, consisting of the molasses and the copies of the book under seizure, be distributed to various charitable organizations.

CEREALS AND CEREAL PRODUCTS

FLOUR

17853. Adulteration of flour. U. S. v. 170 Sacks * * *. (F. D. C. No. 31435. Sample No. 29862-L.)

LIBEL FILED: July 12, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about June 9, 1951, from Great Falls, Mont.

PRODUCT: 170 100-pound sacks of flour at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 23, 1951. The Montana Flour Mills Co., Great Falls, Mont., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

17854. Adulteration of flour. U. S. v. 140 Bags * * *. (F. D. C. No. 31445. Sample Nos. 12238-L, 12241-L.)

LIBEL FILED: July 24, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 24, 1951, from Minneapolis, Minn.

PRODUCT: 140 100-pound bags of flour at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent hairs. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 24, 1951. The Russell-Miller Milling Co., Minneapolis, Minn., claimant, having admitted the truth of the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing and conversion into foundry molds, under the supervision of the Federal Security Agency.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

17855. Adulteration of bran. U. S. v. 40 Bags * * *. (F. D. C. No. 31441. Sample No. 28525-L.)

LIBEL FILED: July 23, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about May 17, 1951, from Billings, Mont.

PRODUCT: 40 50-pound bags of bran at San Francisco, Calif., in possession of the Coast Dakota Flour Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 22, 1951. Default decree of condemnation and destruction.

17856. Adulteration of rice. U. S. v. 39 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 31397, 31405. Sample Nos. 3768-L to 3772-L, incl.)

LIBELS FILED: On or about July 24 and 30, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about February 12 and 21, 1951, from Crowley, La.

PRODUCT: 585 100-pound bags of rice at Baltimore, Md., in possession of Camden Warehouses, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The product was stored under insanitary conditions after shipment in interstate commerce.)

DISPOSITION: August 28, 1951. The American Rice Growers Cooperative Assn., claimant, having admitted the material allegations of the libel, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion for use as animal feed, under the supervision of the Food and Drug Administration. 198 bags were released as fit for human consumption, and 384 bags were denatured for use as animal feed.

17857. Adulteration of rice. U. S. v. 91 Bags, etc. (F. D. C. No. 31439. Sample Nos. 28356-L, 28357-L.)

LIBEL FILED: July 19, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about November 2, 1950, and February 28 and March 26, 1951, from Jennings and Abbeville, La.

PRODUCT: 106 100-pound bags of rice at San Jose, Calif., in possession of the Mutual Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1951. The Mutual Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the good portion from the bad, under the supervision of the Federal Security Agency. The contaminated rice, a total of 42 pounds, was removed from each of the contaminated bags and was destroyed.

17858. Adulteration of bulk wheat. U. S. v. 55,770 Pounds * * *. (F. D. C. No. 31425. Sample No. 19264-L.)

LIBEL FILED: July 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about June 21, 1951, by the Shields Grain Co., from Shields, N. Dak.

PRODUCT: 55,770 pounds of bulk wheat at Wabasha, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food because of the presence of musty wheat.

DISPOSITION: July 17, 1951. The Shields Grain Co., Shields, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and reprocessing under the supervision of the Food and Drug Administration. The unfit portion (26,680 pounds) was segregated and denatured.

DAIRY PRODUCTS

BUTTER

17859. Adulteration of butter. U. S. v. Nashville Pure Milk Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 31067. Sample Nos. 81969-K, 81974-K.)

INFORMATION FILED: May 8, 1951, Middle District of Tennessee, against the Nashville Pure Milk Co., a corporation, Nashville, Tenn.

ALLEGED SHIPMENT: On or about August 17 and 30, 1950, from the State of Tennessee into the State of Georgia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, fly fragments, feather barbules, and rodent hair fragments, and because it was manufactured from filthy cream.

DISPOSITION: October 3, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

17860. Adulteration of butter. U. S. v. 33 Boxes (2,112 pounds) * * *. (F. D. C. No. 31358. Sample No. 19580-L.)

LIBEL FILED: June 15, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 21, 1951, by the Farmers Cooperative Creamery, Wilmot, S. Dak.

PRODUCT: 33 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by J. R. Kramer, Inc."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 11, 1951. J. R. Kramer, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reworked, under the supervision of the Food and Drug Administration.

CHEESE

17861. Adulteration of cheese. U. S. v. 9 Cases * * *. (F. D. C. No. 31422. Sample No. 21653-L.)

LIBEL FILED: On or about July 3, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 17, 1951, from Plymouth, Wis.

PRODUCT: 9 cases each containing 32 1-pound cheeses at New Orleans, La. The product was insect infested.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1951. Default decree of condemnation and destruction.

17862. Misbranding of grated cheese. U. S. v. 7 Cases * * *. (F. D. C. No. 31348. Sample No. 24150-L.)

LIBEL FILED: July 12, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about May 29, 1951, by the Brooklyn Cheese Packing Co., from Brooklyn, N. Y.

PRODUCT: 7 cases, each containing 24 glass tumblers, of grated cheese at Union City, N. J.

LABEL, IN PART: "4 CCC Brand Vacuum Packed Parmesan Style Grated * * * Cheese Net Wt. 4 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the labeled 4 ounces.)

DISPOSITION: August 24, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable organizations.

EGGS

17863. Adulteration of frozen eggs. U. S. v. 483 Cans * * *. (F. D. C. No. 31353. Sample No. 37979-L.)

LIBEL FILED: July 20, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 14, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 483 30-pound cans of frozen eggs at Brooklyn, N. Y.

LABEL, IN PART: (Portion) "Kirby Kuality Frozen Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: August 13, 1951. Manhattan Egg Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and denaturing of the unfit portion, under the supervision of the Food and Drug Administration. 324 cans of eggs were released and the remainder were denatured.

17864. Adulteration of frozen eggs. U. S. v. 200 Cans * * *. (F. D. C. No. 31233. Sample No. 8785-L.)

LIBEL FILED: July 6, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 26, 1951, by the Cudahy Packing Co., from Bedford, Iowa.

PRODUCT: 200 30-pound cans of frozen eggs at Chicago, Ill.

LABEL, IN PART: "Cudahy's Sunlight Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: August 6, 1951. The Cudahy Packing Co., Omaha, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Segregation of the product resulted in the release of 167 30-pound cans of eggs and the destruction of 33 cans.

FISH AND SHELLFISH

17865. Adulteration of frozen red snappers. U. S. v. 2,040 Pounds * * *. (F. D. C. No. 31385. Sample Nos. 23220-L, 23223-L.)

LIBEL FILED: July 25, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 26, 1951, by the City Fish Market, Panama City, Fla.; by Spence Brothers, Pensacola, Fla.; and by the Star Fish & Oyster Co., Mobile, Ala.

PRODUCT: 2,040 pounds of frozen red snappers at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: August 20, 1951. Default decree of condemnation and destruction.

17866. Misbranding of canned tuna fish. U. S. v. 179 Cases, etc. (F. D. C. No. 31437. Sample Nos. 30125-L, 30126-L.)

LIBEL FILED: July 25, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about September 15 and October 18, 1950, by Hawaiian Tuna Packers, Ltd., from Honolulu, T. H.

PRODUCT: 588 cases, each containing 48 cans, of tuna fish at Seattle, Wash.

LABEL, IN PART: (Can) "Standby Royal Hawaiian Brand Fancy Solid Pack Tuna. 7 Oz. Net Avd."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short of the declared weight.)

DISPOSITION: August 27, 1951. Hawaiian Tuna Packers, Ltd., Honolulu, T. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17867. Misbranding of canned fish roe. U. S. v. 21 Cases * * *. (F. D. C. No. 31407. Sample No. 1712-L.)

LIBEL FILED: August 14, 1951, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about April 4, 1951, by the Blue Channel Corp., from Belhaven, N. C.

PRODUCT: 21 cases, each containing 24 cans, of fish roe at Columbia, S. C.

LABEL, IN PART: (Can) "Harris American Fish Roe Net Weight 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 8 ounces.)

DISPOSITION: September 17, 1951. Default decree of condemnation and destruction. On November 2, 1951, an amended decree was entered ordering that the product be delivered to a public institution.

17868. Adulteration and misbranding of canned herring roe. U. S. v. 10 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 31225, 31226. Sample Nos. 3340-L, 3341-L.)

LIBELS FILED: On or about July 2, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about February 26 and March 22, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 33 cases, each containing 24 15-ounce cans, of herring roe at Hagerstown, Md.

LABEL, IN PART: (Can) "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label declaration "Herring Roe" was false and misleading as applied to an article consisting of roe other than herring roe.

DISPOSITION: September 17, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

17869. Adulteration of frozen clams. U. S. v. 104 Cases * * *. (F. D. C. No. 31438. Sample No. 18255-L.)

LIBEL FILED: July 10, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about June 12, 1951, by the Peconic Bay Packing Co., from Mattituck, Long Island, N. Y.

PRODUCT: 104 cases, each containing 12 4-pound packages, of frozen clams at Los Angeles, Calif.

LABEL, IN PART: (Package) "Long Island Frozen Chowder Clams."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance because of the presence of decomposed clams.

DISPOSITION: August 2, 1951. Default decree of condemnation. The court ordered that the product be delivered to a State agency, for use as fish food.

17870. Misbranding of canned crab meat. U. S. v. 499 Cases * * *. (F. D. C. No. 31449. Sample No. 28502-L.)

LIBEL FILED: August 2, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about March 16, 1951, by the Fournier Brothers Cannery, from Port Oxford, Oreg.

PRODUCT: 499 cases, each containing 24 7-ounce cans, of crab meat at Alameda, Calif.

LABEL, IN PART: (Can) "Brigade Brand Fancy Dungeness Crab Meat."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading since the product was not fancy because of its discoloration.

DISPOSITION: September 12, 1951. Fishermen's Federation, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

17871. Adulteration of frozen shrimp. U. S. v. 10 Cases * * *. (F. D. C. No. 31337. Sample No. 5454-L.)

LIBEL FILED: On or about July 11, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about May 19, 1951, by the Bougon Oyster House, from Morgan City, La.

PRODUCT: 10 cases containing 470 pounds of frozen shrimp at Providence, R. I.

LABEL, IN PART: (Box) "Frozen Fresh Headless Shrimp Cher-Amie Brand Packed by Morgan City Canning Co., Inc. Houma, Louisiana."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: September 10, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

17872. Misbranding of canned pears. U. S. v. 55 Cases * * *. (F. D. C. No. 31400. Sample No. 30188-L.)

LIBEL FILED: August 2, 1951, District of South Dakota.

ALLEGED SHIPMENT: On or about July 3, 1951, by the C. S. Kale Canning Co., from Everson, Wash.

PRODUCT: 55 cases, each containing 6 6-pound, 7-ounce cans, of pears at Sioux Falls, S. Dak.

LABEL, IN PART: (Can) "Whatcom Brand Water Pack Bartlett Pears."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned pears, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by the regulations, the name of the optional pear ingredient present, namely, peeled halves.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since all pear units were not untrimmed, or were so trimmed as not to preserve their normal shape, and the product failed to meet the tests for tenderness prescribed by the regulations; and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: September 11, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

DRIED FRUIT

17873. Misbranding of ground dried apples. U. S. v. 17 Cases * * *.
(F. D. C. No. 31430. Sample No. 28121-L.)

LIBEL FILED: July 12, 1951, District of Nevada.

ALLEGED SHIPMENT: On or about August 21, 1950, by the Sebastopol Packing Co., from Sebastopol, Calif.

PRODUCT: 17 cases, each containing 4 cartons, of ground dried apples at Reno, Nev.

LABEL, IN PART: (Carton) "24 3¼ Oz. Pkgs. Dehydrated Apples."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The packages contained less than the declared weight.)

DISPOSITION: August 17, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

17874. Adulteration of prunes. U. S. v. 82 Cartons * * *. (F. D. C. No. 31346. Sample No. 24630-L.)

LIBEL FILED: July 11, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about June 21, 1951, by Louis Ender, from New York, N. Y.

PRODUCT: 82 25-pound cartons of prunes at Jersey City, N. J.

LABEL, IN PART: "Heart's Delight * * * Imperial Prunes * * * Richmond-Chase Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy prunes.

DISPOSITION: August 20, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

17875. Adulteration of frozen strawberries. U. S. v. 200 Cans * * *.
(F. D. C. No. 31354. Sample Nos. 1216-L, 1907-L.)

LIBEL FILED: July 17, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 7, 1951, by the Southern Freezing & Preserving Co., from Dayton, Tenn.

PRODUCT: 200 30-pound cans of frozen strawberries at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten berries.

DISPOSITION: August 20, 1951. Default decree of condemnation and destruction.

17876. Misbranding of frozen strawberries. U. S. v. Stilwell Canning Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 31115. Sample No. 70421-K.)

INFORMATION FILED: August 13, 1951, Eastern District of Oklahoma, against the Stilwell Canning Co., a corporation, Stilwell, Okla.

ALLEGED SHIPMENT: On or about May 8, 1950, from the State of Oklahoma into the State of Missouri.

LABEL, IN PART: (Package) "Stilwell Fresh Frozen Strawberries Sliced With Sugar Stilwell Canning Company, Stilwell, Oklahoma Net Weight 1 pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the packages contained less than 1 pound, the declared weight.

DISPOSITION: December 5, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

VEGETABLES

17877. Misbranding of canned peas. U. S. v. 269 Cases * * *. (F. D. C. No. 31625. Sample No. 24042-L.)

LIBEL FILED: August 14, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 27, 1951, by Thomas Roberts & Co., from Ridgely, Md.

PRODUCT: 269 cases, each containing 6 6-pound, 9-ounce cans, of peas at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Q and E Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas since the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, the maximum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: September 19, 1951. Thomas Roberts & Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

17878. Adulteration of canned spinach. U. S. v. 99 Cases * * *. (F. D. C. No. 31643. Sample No. 28423-L.)

LIBEL FILED: August 27, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 20, 1951, by Fairview Packing Co., Inc., from Hollister, Calif.

PRODUCT: 99 cases, each containing 24 1-pound, 11-ounce cans, of spinach at New Hyde Park, N. Y.

LABEL, IN PART: (Can) "Heart O'Quality Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

17879. Adulteration and misbranding of canned turnip greens. U. S. v. 80 Cases, etc. (F. D. C. Nos. 31420, 31421. Sample Nos. 21756-L, 21757-L.)

LIBEL FILED: June 29, 1951, Northern District of Alabama.

ALLEGED SHIPMENT: On or about May 7, 1951, by Markham Brothers & Co., from Okeechobee, Fla.

PRODUCT: 140 cases, each containing 6 cans, of turnip greens at Tuscaloosa, Ala.

LABEL, IN PART: "Markham Brand * * * Chopped Young Tender Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned turnip greens since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: July 30, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

17880. Adulteration of canned tomatoes. U. S. v. 68 Cases * * *. (F. D. C. No. 31448. Sample No. 7488-L.)

LIBEL FILED: July 26, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about May 11, 1951, by the Mann Brothers Canning Co., from Lakeland, Fla.

PRODUCT: 68 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Buffalo, N. Y.

LABEL, IN PART: "APTE Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: August 24, 1951. Default decree of condemnation and destruction.

17881. Adulteration of canned tomatoes. U. S. v. 55 Cases * * *. (F. D. C. No. 31349. Sample No. 25543-L.)

LIBEL FILED: July 13, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 14, 1951, by the Mann Brothers Canning Co., from Lakeland, Fla.

PRODUCT: 55 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: "APTE Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy and decomposed substance by reason of the presence of maggots, fly eggs, and decomposed tomatoes.

DISPOSITION: November 29, 1951. Default decree of condemnation and destruction.

17882. Adulteration of tomato juice. U. S. v. 350 Cases * * *. (F. D. C. No. 31374. Sample No. 26351-L.)

LIBEL FILED: July 17, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 12, 1951, by Libby, McNeill & Libby, Leipsic, Ohio.

PRODUCT: 350 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 11, 1951. The shipper having consented to the entry of a decree, judgment of condemnation and destruction was entered.

17883. Adulteration of tomato juice. U. S. v. 63 Cases * * *. (F. D. C. No. 31428. Sample No. 13408-L.)

LIBEL FILED: July 11, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about May 2, 1951, by the South Ogden Products Corp., from Ogden, Utah.

PRODUCT: 63 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Denver, Colo.

LABEL, IN PART: (Can) "Veteran Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance because of the presence of decomposed tomato material.

DISPOSITION: August 31, 1951. The South Ogden Products Corp. having executed an acceptance of service and an authorization for taking of a final decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

NUTS

17884. Adulteration of shelled peanuts. U. S. v. 480 Bags * * *. (F. D. C. No. 31423. Sample No. 10148-L.)

LIBEL FILED: July 6, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 1, 1951, from Tifton, Ga.

PRODUCT: 480 bags, each containing 120 pounds, of shelled peanuts at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 17, 1951; amended August 16, 1951. Tifton Seed Shellers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and bringing it into compliance with the law, under the supervision of the Food and Drug Administration. Objectionable material totaling 650 pounds was eliminated by blowing, sifting, and picking, and was destroyed.

17885. Adulteration of shelled peanuts. U. S. v. 12 Bags * * *. (F. D. C. No. 31444. Sample No. 28358-L.)

LIBEL FILED: July 25, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about August 11 and 18 and September 5, 1950, from Houston, Tex.

PRODUCT: 12 bags, each containing 120 pounds, of shelled peanuts at San Jose, Calif., in possession of the Chase Candy Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 24, 1951. Default decree of condemnation and destruction.

17886. Adulteration of pecan halves. U. S. v. 4 Cartons * * *. (F. D. C. No. 31451. Sample No. 19117-L.)

LIBEL FILED: August 1, 1951, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about May 28, 1951, by the South Georgia Pecan Shelling Co., from Valdosta, Ga.

PRODUCT: 4 50-pound cartons of pecans at Marshfield, Wis.

LABEL, IN PART: "Stuart Amber Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of rancid nuts.

DISPOSITION: September 29, 1951. Default decree of condemnation. The court ordered that the product be destroyed or disposed of for some purpose other than for human consumption. The product was denatured and fed to hogs.

OLEOMARGARINE

17887. Adulteration and misbranding of oleomargarine. U. S. v. E. F. Drew & Co., Inc. Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 31110. Sample Nos. 24097-L, 24098-L.)

INFORMATION FILED: July 31, 1951, District of New Jersey, against E. F. Drew & Co., Inc., Boonton, N. J.

ALLEGED SHIPMENT: On or about January 15 and 23, 1951, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Brookdale Brand Vegetable Oleomargarine Distributed by H. C. Bohack Co. Inc."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of fat had been substituted for oleomargarine. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat.

DISPOSITION: October 8, 1951. A plea of guilty having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 2 years.

POULTRY

17888. Adulteration of dressed turkeys. U. S. v. Central Cooperative Turkey Producers and Otto W. Daniher. Pleas of nolo contendere. Corporation fined \$100, plus costs; individual defendant fined \$10. (F. D. C. No. 31124. Sample No. 73155-K.)

INFORMATION FILED: August 20, 1951, Northern District of Iowa, against the Central Cooperative Turkey Producers, a corporation, Ellsworth, Iowa, and Otto W. Daniher, manager.

ALLEGED SHIPMENT: Between the approximate dates of September 18 and 22, 1950, from the State of Iowa into the State of Nebraska.

LABEL, IN PART: "Golden Brest Turkeys."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy and decomposed substance by reason of the presence of birds that were in part decomposed and birds that were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in part the product of a diseased animal.

DISPOSITION: August 20, 1951. Pleas of nolo contendere having been entered, the court fined the corporation \$100, plus costs, and the individual defendant \$10.

17889. Adulteration of dressed poultry. U. S. v. 121 Crates * * *. (F. D. C. No. 31344. Sample No. 24351-L.)

LIBEL FILED: July 13, 1951, Southern District of New York; amended August 8, 1951.

ALLEGED SHIPMENT: On or about July 3, 1951, by the Farmhouse Poultry Co., from Robbins, N. C.

PRODUCT: 121 crates, each containing 74 pounds, of dressed poultry at New York, N. Y. Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added deleterious substance which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: August 9, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for removal of the necks and evisceration, under the supervision of the Food and Drug Administration.

17890. Adulteration of dressed poultry. U. S. v. 22 Crates * * *. (F. D. C. 31343. Sample No. 24352-L.)

LIBEL FILED: July 13, 1951, Southern District of New York; amended August 8, 1951.

ALLEGED SHIPMENT: On or about July 4, 1951, by the Eastern Dressed Poultry Co., from Willimantic, Conn.

PRODUCT: 22 crates, each containing approximately 71 pounds, of dressed poultry at New York, N. Y. Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added deleterious substance which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: August 3, 1951. The Eastern Dressed Poultry Co. having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by removal of the necks and evisceration, under the supervision of the Food and Drug Administration.

17891. Adulteration of dressed poultry. U. S. v. 5 Crates * * *. (F. D. C. No. 31404. Sample No. 5699-L.)

LIBEL FILED: July 30, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 13, 1951, by the Maine Poultry Co., from Bangor, Maine.

PRODUCT: 5 70-pound crates of dressed poultry at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 17, 1951. Default decree of condemnation and destruction.

17892. Adulteration of dressed poultry. U. S. v. 3 Crates * * *. (F. D. C. No. 31415. Sample No. 24356-L.)

LIBEL FILED: August 2, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 16, 1951, by the Merrymeeting Farm, from Bowdoinham, Maine.

PRODUCT: 3 crates, each containing approximately 60 pounds, of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: August 20, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

17893. Adulteration of canned antipasto. U. S. v. 127 Cases * * *. (F. D. C. No. 31351. Sample No. 37531-L.)

LIBEL FILED: July 16, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 26, 1945, by C. U. P. A. from Montevideo, Uruguay.

PRODUCT: 127 cases, each containing 50 5-ounce cans, of antipasto at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 7, 1951. Default decree of condemnation and destruction.

17894. Adulteration of mayonnaise. U. S. v. 5 Cases * * *. (F. D. C. No. 21807. Sample No. 43160-H.)

LIBEL FILED: On or about December 10, 1946, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 19 and 26, 1946, by Caldwell's Cafeteria, from Columbia, S. C.

PRODUCT: 5 cases, each containing 12 1-quart jars, of mayonnaise at Huntington, W. Va.

LABEL, IN PART: "Caldwell's Mayonnaise Contains Mineral Oil, Starch, Eggs, Vinegar, Salt and Other Spices Made By Caldwell's Cafeteria Columbia, S. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained approximately 51 percent of added mineral oil, a deleterious substance, which may have rendered the product injurious to health; and, Section 402 (b) (1), a valuable constituent, edible vegetable oil, had been in whole or in part omitted.

Further adulteration, Section 402 (b) (2), an article containing mineral oil had been substituted wholly for mayonnaise, which contains edible vegetable oil and does not contain mineral oil; and, Section 402 (b) (4), mineral oil had been added to the product and mixed and packed with it so as to reduce its quality and strength.

DISPOSITION: May 22, 1947. Default decree of condemnation and destruction.

17895. Adulteration of mustard flour. U. S. v. 1 Unlabeled Barrel * * *.
(F. D. C. No. 31443. Sample No. 12185-L.)

LIBEL FILED: July 24, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 3, 1949, or August 9, 1950, from St. Louis, Mo.

PRODUCT: 1 unlabeled barrel, containing approximately 180 pounds, of mustard flour at Terre Haute, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 1, 1951. Default decree of condemnation and destruction.

17896. Misbranding of black pepper. U. S. v. 27 Cartons * * *. (F. D. C. No. 31347. Sample No. 23723-L.)

LIBEL FILED: July 12, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about May 14, 1951, by the Jay-Arr Food Products, from Jersey City, N. J.

PRODUCT: 27 cartons, each containing 24 jars, of black pepper at Hartford, Conn.

LABEL, IN PART: (Jar) "JR Brand Pure Pepper Net Weight 1 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the labeled 1 ounce.)

DISPOSITION: October 24, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

17897. Adulteration of salt. U. S. v. 215 Bags, etc. (F. D. C. No. 31416. Sample No. 3479-L.)

LIBEL FILED: July 31, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about December 27, 1950, and March 1 and May 22, 1951, from Rittman, Ohio.

PRODUCT: 215 25-pound bags and 13 100-pound bags of salt at Newport News, Va., in the possession of A. B. Abbitt & Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent urine, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 2, 1951. A. B. Abbitt & Co., Inc., having appeared as claimant, but later having withdrawn its claim and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

17898. Alleged misbranding of Aminex amino acid tablets. U. S. v. 51 Packages
* * *. (F. D. C. No. 19401. Sample No. 14051-H.)

LIBEL FILED: March 13, 1946, Southern District of Ohio; amended libel filed on or about October 22, 1947.

ALLEGED SHIPMENT: Between the approximate dates of January 6 and February 1, 1946, by Nutritional Enterprises, from Chicago, Ill.

PRODUCT: 51 packages of Aminex amino acid tablets at Cincinnati, Ohio.

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Aminex Amino Acid Tablets" and the names of individual amino acids appearing upon the labeling of the article were misleading since the designation and names represented and suggested that the article when taken in accordance with the directions upon its labeling, namely, "Directions: For Use as a dietary supplement, one to three tablets a day," would supply nutritionally significant amounts of amino acids, whereas the article would not supply nutritionally significant amounts of amino acids when taken as directed; and the labeling statement "Inasmuch as the daily minimum requirements of the Amino Acids are not established" was misleading since there is adequate evidence to establish that the requirement for amino acids to maintain normal nutrition of man is far in excess of the quantities that would be provided by the product when taken as directed.

The libel alleged also that certain other articles were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3649.

DISPOSITION: Lelord Kordel appeared as claimant and filed exception, seeking dismissal of the libel. Thereafter, on February 18, 1952, following preliminary proceedings involving the other products, and upon stipulation by the parties that the case presented no question for adjudication for the reason that all of the products under seizure had deteriorated and become unmarketable, and with the consent of the parties and without any finding on any issue of fact or law, the court ordered that the products be destroyed.

17899. Adulteration of Dwarfies wheat germ. U. S. v. 5 Cases * * *.
(F. D. C. No. 31424. Sample No. 16184-L.)

LIBEL FILED: On or about July 6, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about May 10, 1951, by Dwarfies Corp., from Council Bluffs, Iowa.

*See also No. 17852.

PRODUCT: 5 cases, each containing 12 12-ounce jars, of Dwarfies wheat germ, at Topeka, Kans.

LABEL, IN PART: "Dwarfies Toasted Wheat Germ."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

DISPOSITION: August 17, 1951. Default decree of condemnation and destruction.

17900. Adulteration and misbranding of Specifide Vitamin Source For Feeds. U. S. v. Specifide, Inc., and John O. Beasley. Pleas of nolo contendere. Each defendant fined \$200, together with costs. Fine against individual suspended. (F. D. C. No. 30606. Sample Nos. 84290-K, 84291-K.)

INFORMATION FILED: August 1, 1951, Southern District of Indiana, against Specifide, Inc., Indianapolis, Ind., and John O. Beasley, president of the corporation.

ALLEGED SHIPMENT: On or about July 20 and September 8, 1950, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Specifide Vitamin Source For Feeds 360,000 A. O. A. C. Chick Units of Vitamin D [or "180,000 A. O. A. C. Chick Units of Vitamin D"] Vitamin Guarantee Per Pound."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the product, vitamin D, had been in part omitted.

Misbranding, Section 403 (a), the label statements "Vitamin Guarantee Per Pound 360,000 A. O. A. C. Chick Units of Vitamin D" and "180,000 A. O. A. C. Chick Units of Vitamin D" were false and misleading since the product contained less than the declared amounts of vitamin D per pound.

DISPOSITION: November 23, 1951. Pleas of nolo contendere having been entered, each defendant was fined \$200, together with costs. The fine against the individual defendant was suspended.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17851 TO 17900

PRODUCTS

	N. J. No.		N. J. No.
Aminex amino acid tablets-----	17898	Dairy products-----	17859-17862
Amino acid tablets, Aminex-----	17898	Dwarfies wheat germ-----	17899
Antipasto, canned-----	17893	Eggs, frozen-----	17863, 17864
Apples, dried, ground-----	17873	Fish and shellfish-----	17865-17871
Blackstrap molasses----- ¹	17852	Flavors. See Spices, flavors, and	
Bran-----	17855	seasoning materials.	
Butter-----	17859, 17860	Flour-----	17853, 17854
Candy-----	17851	Fruits and vegetables----	17872-17883
Cereals and cereal prod-		fruit, canned-----	17872
ucts-----	17853-17858	dried-----	17873, 17874
Cheese-----	17861	frozen-----	17875, 17876
grated-----	17862	tomatoes and tomato prod-	
Clams, frozen-----	17869	ucts-----	17880-17883
Crab meat, canned-----	17870	vegetables-----	17877-17879

¹ (17852) Seizure contested. Contains opinions of the court.

	N. J. No.		N. J. No.
Greens, turnip, canned	17879	Snappers, red, frozen (fish)	17865
Mayonnaise	17894	Specifide Vitamin Source for	
Molasses, blackstrap	¹ 17852	Feeds	17900
Mustard flour	17895	Spices, flavors, and seasoning	
Nuts	17884-17886	materials	17893-17897
Oleomargarine	17887	Spinach, canned	17878
Peanuts, shelled	17884, 17885	Strawberries, frozen	17875, 17876
Pears, canned	17872	Tomato(es), canned	17880, 17881
Peas, canned	17877	juice	17882, 17883
Pecan halves	17886	Tuna fish, canned	17866
Pepper, black	17896	Turkeys. <i>See</i> Poultry.	
Poultry	17888-17892	Turnip greens, canned	17879
Prunes	17874	Vegetables. <i>See</i> Fruits and veg-	
Rice	17856, 17857	etables.	
Roe, fish, canned	17867	Vitamin, mineral, and other	
herring, canned	17868	products of special dietary	
Salt	17897	significance	¹ 17852, 17898-17900
Shellfish. <i>See</i> Fish and shellfish.		Wheat, bulk	17858
Shrimp, frozen	17871	germ, Dwarfies	17899

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Abbitt, A. B., & Co., Inc.:		City Fish Market:	
salt	17897	frozen red snappers	17865
Allied Molasses Co., Inc.:		Clark, W. R., and W. R., Jr.:	
blackstrap molasses	¹ 17852	candy	17851
Beasley, J. O.:		Coast Dakota Flour Co., Inc.:	
Specifide Vitamin Source For		bran	17855
Feeds	17900	Cudahy Packing Co.:	
Blue Channel Corp.:		frozen eggs	17864
canned fish roe	17867	Daniher, O. W.:	
Bohack, H. C., Co., Inc.:		dressed turkeys	17888
oleomargarine	17887	Drew, E. F., & Co., Inc.:	
Bougon Oyster House:		oleomargarine	17887
frozen shrimp	17871	Dwarfies Corp.:	
Brooklyn Cheese Packing Co.:		Dwarfies wheat germ	17899
grated cheese	17862	Eastern Dressed Poultry Co.:	
C. U. P. A.:		dressed poultry	17890
canned antipasto	17893	Ender, Louis:	
Caldwell's Cafeteria:		prunes	17874
mayonnaise	17894	Fairview Packing Co., Inc.:	
Camden Warehouses, Inc.:		canned spinach	17878
rice	17856	Farmers Cooperative Creamery:	
Cape King Fisheries, Inc.:		butter	17860
canned herring roe	17868	Farmhouse Poultry Co.:	
Central Cooperative Turkey		dressed poultry	17889
Producers:		Fournier Brothers Cannery:	
dressed turkeys	17888	canned crab meat	17870
Chase Candy Co.:		Hauser, Gayelord:	
shelled peanuts	17885	blackstrap molasses	¹ 17852

¹ (17852) Seizure contested. Contains opinions of the court.

	N. J. No.		N. J. No.
Hawaiian Tuna Packers, Ltd.:		Orleans Poultry Co.:	
canned tuna fish-----	17866	frozen eggs-----	17863
Health Food Products Co., Inc.:		Peconic Bay Packing Co.:	
candy -----	17851	frozen clams-----	17869
Jay-Arr Food Products:		Richmond-Chase Co.:	
black pepper-----	17896	prunes-----	17874
Kale, C. S., Canning Co.:		Roberts, Thomas, & Co.:	
canned pears-----	17872	canned peas-----	17877
Kramer, J. R., Inc.:		Sebastopol Packing Co.:	
butter-----	17860	ground dried apples-----	17873
Libby, McNeill & Libby:		Shields Grain Co.:	
tomato juice-----	17882	bulk wheat-----	17858
Maine Poultry Co.:		South Georgia Pecan Shelling	
dressed poultry-----	17891	Co.:	
Mann Brothers Canning Co.:		pecan halves-----	17886
canned tomatoes-----	17880, 17881	South Ogden Products Corp.:	
Markham Brothers & Co.:		tomato juice-----	17883
canned turnip greens-----	17879	Southern Freezing & Preserving	
Merrymeeting Farm:		Co.:	
dressed poultry-----	17892	frozen strawberries-----	17875
Morgan City Canning Co., Inc.:		Specifide, Inc.:	
frozen shrimp-----	17871	Specifide Vitamin Source For	
Mutual Grocery Co.:		Feeds-----	17900
rice-----	17857	Spence Brothers:	
Nashville Pure Milk Co.:		frozen red snappers-----	17865
butter-----	17859	Star Fish & Oyster Co.:	
Nature Food Centres:		frozen red snappers-----	17865
blackstrap molasses-----	¹ 17852	Stilwell Canning Co.:	
Nutritional Enterprises:		frozen strawberries-----	17876
Aminex amino acid tablets----	17898		

¹ (17852) Seizure contested. Contains opinions of the court.



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

*Order from the Superintendent of Documents, United States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

52 Nf

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17901-17950

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *June 20, 1952.*

CONTENTS

	Page		Page
Cereals and cereal products.....	448	Fruits and vegetables—Continued	
Flour.....	448	Fresh fruit.....	457
Miscellaneous cereals.....	449	Frozen fruit.....	457
Dairy products.....	450	Vegetables and vegetable prod-	
Butter.....	450	ucts.....	458
Cheese.....	451	Tomatoes and tomato products ..	459
Eggs and egg products.....	452	Poultry.....	461
Feeds and grains.....	453	Spices, flavors, and seasoning mate-	
Fish and shellfish.....	454	rials.....	463
Fruits and vegetables.....	456	Index.....	464
Dried fruit.....	456		

CEREALS AND CEREAL PRODUCTS

FLOUR

17901. Adulteration of flour. U. S. v. 152 Bags * * *. (F. D. C. No. 31794. Sample Nos. 21594-L, 21595-L, 22124-L, 22125-L.)

LIBEL FILED: October 15, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 19, May 17, July 7, August 7, and September 11, 1951, from Fort Worth, Tex.

PRODUCT: Flour. 22 50-pound bags, 59 25-pound bags, and 71 10-pound bags at Independence, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 23, 1951. Default decree of condemnation and destruction.

17902. Adulteration of flour. U. S. v. 2 Bags, etc. (F. D. C. No. 31431. Sample Nos. 13727-L, 13728-L.)

LIBEL FILED: July 18, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about April 26 and June 6, 1951, from Ogden, Utah.

PRODUCT: 2 100-pound bags and 38 50-pound bags of flour at Durango, Colo., in possession of the Morey Mercantile Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 14, 1951. The shipper of the product having executed an acceptance of service and authorization for taking of a final decree, judgment of condemnation was entered and the court ordered that the product be destroyed. On October 2, 1951, an amended decree was entered, ordering that the product be sold for use as animal feed.

17903. Adulteration of graham flour. U. S. v. 20 Bags * * *. (F. D. C. No. 31831. Sample No. 15120-L.)

LIBEL FILED: September 25, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about August 15, 1951, from Clinton, Mo.

PRODUCT: 20 100-pound bags of graham flour at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 22, 1951. Default decree of condemnation and destruction.

17904. Adulteration of whole wheat flour. U. S. v. 7 Bags * * *. (F. D. C. No. 31836. Sample No. 27512-L.)

LIBEL FILED: September 27, 1951, District of Nevada.

ALLEGED SHIPMENT: On or about January 5, 1951, from Ogden, Utah.

PRODUCT: 7 100-pound bags of whole wheat flour at Reno, Nev.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 18, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS

17905. Adulteration of corn grits. U. S. v. 54 Bags * * *. (F. D. C. No. 31795. Sample No. 1446-L.)

LIBEL FILED: October 17, 1951, Southern District of Georgia.

ALLEGED SHIPMENT: On or about August 22, 1951, from Memphis, Tenn.

PRODUCT: 54 100-pound bags of corn grits at Savannah, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 13, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

17906. Adulteration of unpopped popcorn. U. S. v. 4 Unlabeled Drums * * *. (F. D. C. No. 31450. Sample No. 24279-L.)

LIBEL FILED: August 1, 1951, Northern District of New York.

ALLEGED SHIPMENT: On or about February 26, 1951, by H. B. Huisinga, from De Land, Ill.

PRODUCT: 4 unlabeled drums, each containing 380 pounds, of unpopped popcorn at Watertown, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: September 15, 1951. Default decree of condemnation and destruction.

17907. Adulteration of rice. U. S. v. 45 Bags * * *. (F. D. C. No. 31429. Sample No. 28355-L.)

LIBEL FILED: July 16, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about February 28, 1951, from Abbeville, La.

PRODUCT: 45 100-pound bags of rice at San Jose, Calif., in possession of the E. H. Renzel Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 5, 1951. The E. H. Renzel Co., San Jose, Calif., claimant, having consented to the entry of a decree, judgment of condemnation

was entered and the court ordered that the product be released under bond conditioned that it be disposed of in compliance with the law, under the supervision of the Federal Security Agency. 1,685 pounds of clean rice were released, and 1,715 pounds were denatured and disposed of as animal feed.

17908 Adulteration of rice. U. S. v. 25 Bags * * *. (F. D. C. No. 31815. Sample No. 19518-L.)

LIBEL FILED: September 13, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about October 9, 1950, from Stuttgart, Ark.

PRODUCT: 25 100-pound bags of rice at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 30, 1951. A default decree was entered providing for destruction of the product unless denatured and disposed of as animal feed.

17909. Adulteration of wheat. U. S. v. 97,890 Pounds * * *. (F. D. C. No. 31827. Sample No. 19266-L.)

LIBEL FILED: September 21, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about August 27, 1951, by the Gretna Grain Co., from Bowdle, S. Dak.

PRODUCT: 97,890 pounds of wheat at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of sour wheat.

DISPOSITION: September 27, 1951. The Gretna Grain Co., Bowdle, S. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing for use as animal feed, under the supervision of the Federal Security Agency.

DAIRY PRODUCTS

BUTTER

17910. Adulteration of butter. U. S. v. 60 Cartons (3,780 pounds) * * *. (F. D. C. No. 31814. Sample Nos. 32006-L, 32007-L.)

LIBEL FILED: September 13, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 28 and July 2, 1951, by the Blanchard Produce, from Shawnee, Okla.

PRODUCT: 60 cartons, each containing 63 pounds, of butter at Carthage, Mo.

LABEL, IN PART: "Creamery Butter Harp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance, namely, decomposed butter.

DISPOSITION: September 13, 1951. Default decree of condemnation. The court ordered that the product be denatured so that it could not be used for human consumption and that it be sold for use as soap stock.

17911. Adulteration of butter. U. S. v. 65 Cases * * *. (F. D. C. No. 31812. Sample No. 11538-L.)

LIBEL FILED: September 5, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about August 15, 1951, by Armour Creameries, from Louisville, Ky.

PRODUCT: 65 cases, each containing 65 pounds, of butter at Asheville, N. C.

LABEL, IN PART: "Butter Distributed by Armour Creameries General Office Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of having been made from moldy and decomposed cream.

DISPOSITION: October 1, 1951. Armour & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into butter oil, under the supervision of the Federal Security Agency.

CHEESE

17912. Adulteration and misbranding of processed cheese and processed cheese food. U. S. v. H. M. Scott, Inc., and Eugene H. Scott. Pleas of guilty. Fine of \$500 distributed equally between defendants. (F. D. C. No. 30593. Sample Nos. 55053-K to 55055-K, incl., 85047-K.)

INFORMATION FILED: On or about May 24, 1951, Eastern District of Tennessee, against H. M. Scott, Inc., a corporation, Sweetwater, Tenn., and Eugene H. Scott, vice president.

ALLEGED SHIPMENT: On or about September 22 and 26 and October 20, 1950, from the State of Tennessee into the States of Alabama and Virginia.

LABEL, IN PART: "Scott's Mountain Dale Processed Cheese Food [or "Mountain Dale Process Cheese"] * * * Manufactured by H. M. Scott Sweetwater, Tenn."

NATURE OF CHARGE: Adulteration (2 shipments of processed cheese food and shipment of processed cheese), Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, mites, and rodent hair fragments, and by reason of the use of filth-contaminated milk in their preparation; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth. Further adulteration (all shipments of processed cheese food), Section 402 (b) (2), processed cheese food containing more than 45 percent of moisture and (in 3 of the 4 shipments) less than 45 percent of fat had been substituted in whole or in part for processed cheese food which should contain a minimum of 45 percent of fat and a maximum of 45 percent of moisture, which the product was represented to be.

Misbranding (processed cheese food), Section 403 (a), the label statements "Ingredients: 45% Fat, Water Free. Minimum, 45% Moisture Maximum" were false and misleading since all lots contained more than 45% of moisture and 3 of the 4 lots contained less than 45 percent of fat.

DISPOSITION: December 3, 1951. Pleas of guilty having been entered, the court imposed a total fine of \$500 to be distributed equally between the defendants.

17913. Adulteration and misbranding of grated Romano cheese. U. S. v. 25 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 31330, 31331, 31387. Sample Nos. 25526-L, 25527-L, 26354-L.)

LIBELS FILED: July 10 and 24, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 4, 13, and 26, 1951, by Icco Cheese Co., Inc., from Brooklyn, N. Y.

PRODUCT: 34 cases, each containing 24 16-ounce cans, of grated Romano cheese at Philadelphia, Pa.

LABEL, IN PART: (Cans) "Sexton * * * 100% Pure Grated Romano Cheese" and "Icco Brand Grated Imported Argentine and Domestic Romano Sharp Type Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a cheese the solids of which contained less than 38 percent milk fat had been substituted in whole or in part for Romano cheese.

Misbranding, Sections 403 (g) (1) and (2), the article purported to be and was represented as Romano cheese, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard since it contained in its solids less than 38 percent of milk fat; and the article failed also to conform to the definition and standard since it failed to reveal the name or names of the milk ingredient from which it was made.

DISPOSITION: October 17 and November 8, 1951. Default decrees of condemnation and destruction.

EGGS AND EGG PRODUCTS

17914. Adulteration of frozen eggs. U. S. v. Fox DeLuxe Foods, Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 31127. Sample No. 9631-L.)

INFORMATION FILED: August 29, 1951, District of South Dakota, against Fox DeLuxe Foods, Inc., Watertown, S. Dak.

ALLEGED SHIPMENT: On or about August 16, 1950, from the State of South Dakota into the State of Illinois.

LABEL, IN PART: "Whole Eggs 30 Lbs. Net Weight Packed by Peter Fox Sons Co. Watertown, South Dakota."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: November 20, 1951. A plea of guilty having been entered, the court imposed a fine of \$50.

17915. Adulteration of frozen eggs. U. S. v. 85 Cans, etc. (F. D. C. No. 31375. Sample Nos. 9691-L, 9692-L.)

LIBEL FILED: July 18, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 23 and June 18, 1951, by the Wist Produce Co., from Webster, S. Dak.

PRODUCT: 191 30-pound cans of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: September 7, 1951. Armour & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned upon the segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 157 cans of the product were salvaged and the remainder denatured.

17916. Adulteration and misbranding of whole egg powder. U. S. v. Robert F. Koch. Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 31126. Sample No. 24099-L.)

INFORMATION FILED: September 7, 1951, District of Nebraska, against Robert F. Koch, Omaha, Nebr.

ALLEGED SHIPMENT: On or about January 22, 1951, from the State of Nebraska into the State of New York.

LABEL, IN PART: (Barrels) "Ben Goldenberg Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of wood splinters, brush fibers, paint fragments, metal fragments, and other foreign material.

Misbranding, Section 403 (e) (1), the label failed to bear the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food, i. e., whole egg powder.

DISPOSITION: October 12, 1951. A plea of nolo contendere having been entered, the defendant was adjudged guilty and was fined \$100, plus costs.

FEEDS AND GRAINS

17917. Adulteration and misbranding of soybean oil meal. U. S. v. 105 Sacks * * *. (F. D. C. No. 31433. Sample No. 32484-L.)

LIBEL FILED: July 12, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 16, 1951, by Hulcher Soya Products, Inc., from Virden, Ill.

PRODUCT: 105 100-pound sacks of soybean oil meal at Rolla, Mo.

LABEL, IN PART: "Hulcher Old Process Soybean Oil Meal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), calcium carbonate had been substituted in part for soybean oil meal.

Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since calcium carbonate was not declared thereon.

DISPOSITION: August 22, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

17918. Misbranding of poultry food concentrate. U. S. v. Vitality Mills, Inc. Plea of guilty. Fine of \$100, plus costs. (F. D. C. No. 31077. Sample No. 14754-K.)

INFORMATION FILED: June 5, 1951, Northern District of Illinois, against Vitality Mills, Inc., Chicago, Ill.

ALLEGED SHIPMENT: On or about June 7, 1950, from the State of Illinois into the State of Michigan.

LABEL, IN PART: "Vita-Fier Vitamin Fortifier for Chick-Hen Duck-Turkey Rations * * * Contains: 45,400 A. O. A. C. Chick Units Vitamin D per pound."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "45,400 A. O. A. C. Chick Units Vitamin D per pound" was false and misleading since the product would supply a smaller amount of vitamin D than represented.

DISPOSITION: October 15, 1951. A plea of guilty having been entered, the court fined the defendant \$100, plus costs.

17919. Adulteration and misbranding of a vitamin preparation for hogs. U. S. v. 20 Bags * * *. (F. D. C. No. 30996. Sample No. 19088-L.)

LIBEL FILED: June 13, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about March 7, 1951, from Minneapolis, Minn.

PRODUCT: 20 50-pound bags of a vitamin preparation for hogs at Swisher, Iowa.

LABEL, IN PART: "Guaranteed Analysis—Vitamin A USP Units 10,000 per lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label designation "Vitamin A USP Units 10,000 per lb" was false and misleading as applied to a product which contained substantially less than the declared amount of vitamin A.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 16, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

17920. Adulteration of frozen mackerel fillets and frozen flounder fillets. U. S. v. J. Adams' & Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 30117. Sample Nos. 79694-K, 80204-K, 81932-K.)

INFORMATION FILED: April 3, 1951, District of Maine, against J. Adams' & Co., Inc., Corea, Maine.

ALLEGED SHIPMENT: On or about August 28 and 30 and September 12, 1950, from the State of Maine into the States of Massachusetts and Georgia.

LABEL, IN PART: "Adams' Selected Frozen Sea Foods Flounder [or "Mackerel"] J. Adams' & Co., Inc. Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of decomposed substances by reason of the presence of decomposed fish.

DISPOSITION: October 30, 1951. A plea of guilty having been entered, the court imposed a fine of \$500.

17921. Adulteration of frozen ocean perch fillets. U. S. v. 216 Cartons * * *. (F. D. C. No. 31328. Sample Nos. 9217-L, 9219-L.)

LIBEL FILED: July 11, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 5, 1951, by the Standard Fish Co., from Boston, Mass.

PRODUCT: 216 cartons, each containing 10 pounds, of frozen ocean perch fillets at Chicago, Ill.

LABEL, IN PART: "Standard Brand Frosted Ocean Perch Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: October 5, 1951. Default decree of condemnation and destruction.

17922. Misbranding of canned tuna. U. S. v. 56 Cases * * *. (F. D. C. No. 31803. Sample Nos. 4366-L, 4367-L.)

LIBEL FILED: On or about October 17, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about September 10, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 56 cases, each containing 48 cans, of tuna at Baltimore, Md.

LABEL, IN PART: (Can) "Cape King light meat Tuna Contents 13½ Oz. Avd."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Contents 13½ Oz. Avd." was inaccurate. (The cans contained less than the declared weight of 13½ ounces.)

DISPOSITION: October 19, 1951. Cape King Fisheries, Inc., claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17923. Adulteration of frozen whiting. U. S. v. 550 Cases * * *. (F. D. C. No. 31447. Sample Nos. 30859-L, 31586-L.)

LIBEL FILED: July 24, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 7, 1951, by the General Freezer & Cold Storage Co., from New Bedford, Mass.

PRODUCT: 550 cases, each containing 5 10-pound cartons, of frozen whiting at St. Louis, Mo.

LABEL IN PART: "H & D Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be sold, conditioned that it be denatured so that it could be used solely for nonhuman consumption.

17924. Adulteration and misbranding of oysters. U. S. v. Harry I. Meltzer (Summit Fish Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 31263. Sample No. 11606-L.)

INFORMATION FILED: October 26, 1951, Northern District of Ohio, against Harry I. Meltzer, trading as the Summit Fish Co., Akron, Ohio.

INTERSTATE SHIPMENT: From the State of Maryland into the State of Ohio, of a number of large cans of oysters.

ALLEGED VIOLATION: Within the period from on or about March 21 to on or about March 28, 1951, while the product was being held for sale after shipment in interstate commerce, various quantities of the oysters were removed from the large cans and water was added to these oysters, which were then re-

packed into small cans, such acts resulting in the repackaged oysters being misbranded.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk and reduce their quality.

Misbranding, Section 403 (g) (1), the repackaged oysters in the small cans failed to conform to the definition and standard of identity for oysters since they were packed with water, an added substance.

DISPOSITION: November 9, 1951. A plea of guilty having been entered, the court imposed a fine of \$100 on each of 2 counts.

17925. Adulteration of frozen breaded shrimp. U. S. v. 99 Cases * * *.
(F. D. C. No. 31852. Sample No. 17765-L.)

LIBEL FILED: September 27, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about August 23, 1951, from Brunswick, Ga.

PRODUCT: 99 cases, each containing 24 12-ounce packages, of frozen breaded shrimp at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be sold, to be denatured and converted into animal feed, under the supervision of the Food and Drug Administration and the United States marshal.

FRUITS AND VEGETABLES

DRIED FRUIT

17926. Adulteration and misbranding of pitted prunes. U. S. v. 15 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 31394, 31395. Sample Nos. 5208-L, 5537-L.)

LIBELS FILED: July 24, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 21, 1951, by Rosenberg Bros. & Co., Inc., from Alameda, Calif.

PRODUCT: Pitted prunes. 15 boxes at Springfield, Mass., and 190 boxes at Boston, Mass. Each box contained 25 pounds.

LABEL, IN PART: "Bestovall Brand Medium Pitted Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance, sharp pit fragments, which may have rendered it injurious to health.

Misbranding, Section 403 (a), the label designation "Pitted" was false and misleading as applied to a product containing sharp pit fragments.

DISPOSITION: October 15, 1951. Default decrees of condemnation and destruction.

FRESH FRUIT

17927. Adulteration of fresh blueberries. U. S. v. 60 Cans * * *. (F. D. C. No. 31809. Sample No. 5314-L.)

LIBEL FILED: August 23, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 15, 1951, by R. M. Clifton, from Rockland, Maine.

PRODUCT: 60 cans, each containing 22 pounds, of fresh blueberries at Sandwich, Mass. Examination of the product showed that it contained maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: September 24, 1951. Default decree of condemnation and destruction.

17928. Adulteration of fresh blueberries. U. S. v. 30 Cases * * *. (F. D. C. No. 31810. Sample Nos. 33063-L, 33064-L, 33066-L.)

LIBEL FILED: August 22, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 25 and August 10, 1951, by H. K. Cupp & Sons, from Benton Harbor, Mich.; by Frank Grow, from Eau Claire, Mich.; and by Wayne Curtis, from Berrien Center, Mich.

PRODUCT: 30 cases, each containing 16 1-quart boxes, of fresh blueberries at Chicago, Ill. Examination showed that the product was infested with maggots.

LABEL, IN PART: (Portion) "Wildcat Lake Blueberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: October 24, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

17929. Adulteration of frozen blueberries. U. S. v. 71 Paper Tubs * * * (and 4 other seizure actions). (F. D. C. Nos. 31804 to 31808, incl. Sample Nos. 5224-L, 5225-L, 5227-L to 5229-L, incl., 5731-L, 5732-L, 5734-L, 5735-L, 5737-L, 5738-L.)

LIBELS FILED: August 27 and 28 and September 4, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about August 6, 7, 8, 13, 14, and 15, 1951, by Walter S. Anderson, from Springfield, Mass.

PRODUCT: 625 paper tubs, each containing 12½ pounds, of frozen blueberries at Hartford, Conn.

LABEL, IN PART: (Portions) "Grown by S. Roberts Granville, Mass." and "Massachusetts Blueberries Grown & Packed by Granville Blueberry Growers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 18, 1951. Default decrees of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

17930. Adulteration of dried pinto beans and dried lima beans. U. S. v. 180 Bags, etc. (F. D. C. No. 31833. Sample Nos. 15122-L, 15123-L.)

LIBEL FILED: October 1, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about December 4 and 13, 1950, and February 28, 1951, from Lucerne, Colo., and Tarke, Calif.

PRODUCT: 180 100-pound bags of dried pinto beans and 218 100-pound bags of dried lima beans at Nebraska City, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect excreta, and insect-damaged beans. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 16, 1951. The Otoe Food Products Co., Nebraska City, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by fumigating the beans and segregating the unfit beans from the good, under the supervision of the Federal Security Agency. 1,000 pounds of lima beans and 75 pounds of pinto beans were found unfit and were denatured and converted into stock feed.

17931. Adulteration of canned peas. U. S. v. 119 Cases * * *. (F. D. C. No. 31792. Sample No. 5711-L.)

LIBEL FILED: October 15, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 19, 1951, by the Triangle Sales Corp., from Syracuse, N. Y.

PRODUCT: 119 cases, each containing 24 1-pound, 1-ounce cans, of peas at Lynn, Mass.

LABEL, IN PART: (Can) "Libby's Sweet Peas * * * Packed By Libby, McNeill & Libby Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 21, 1951. The Triangle Sales Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. 2,292 cans of the product were seized, and, of these, 101 cans were found to be abnormal and were destroyed.

17932. Adulteration of canned sweetpotatoes. U. S. v. 53 Cases * * *. (F. D. C. No. 31782. Sample No. 25657-L.)

LIBEL FILED: On or about October 19, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about March 20, 1951, from Federalsburg, Md.

PRODUCT: 53 cases, each containing 24 1-pound, 7-ounce cans, of sweetpotatoes at Vineland, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 27, 1951. Default decree of condemnation and destruction.

17933. Adulteration of canned sauerkraut. U. S. v. 308 Cases * * *.
(F. D. C. No. 31883. Sample No. 6923-L.)

LIBEL FILED: October 10, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 11 and August 6, 1951, by the Crawford Sauerkraut Co., from Canandaigua, N. Y.

PRODUCT: 308 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Altoona, Pa.

LABEL, IN PART: (Can) "A&P Sauerkraut Grade A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies, maggots, and other insects, and insect eggs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 1, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

17934. Adulteration of canned tomatoes. U. S. v. 97 Cases * * *. (F. D. C. No. 30875. Sample Nos. 27919-L, 27927-L.)

LIBEL FILED: On or about April 10, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 15, 1951, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 97 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at New Orleans, La.

LABEL, IN PART: (Can) "La Gustosa Brand * * * Unpeeled Plum Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 27, 1951. Default decree of condemnation and destruction.

17935. Misbranding of canned tomatoes. U. S. v. 1,505 Cases * * *. (F. D. C. No. 31784. Sample No. 18246-L.)

LIBEL FILED: October 15, 1951, District of Arizona.

ALLEGED SHIPMENT: On or about June 28, 1951, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 1,505 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Phoenix, Ariz.

LABEL, IN PART: (Can) "Gold Inn Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: December 18, 1951. The Meyer Canning Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17936. Misbranding of canned tomatoes. U. S. v. 117 Cases * * *. (F. D. C. No. 31799. Sample No. 3789-L.)

LIBEL FILED: November 1, 1951, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about August 31, 1951.

PRODUCT: 117 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Smithfield, N. C.

LABEL, IN PART: (Can) "Red-Glo Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: December 20, 1951. The shipper of the product having admitted the allegations of the libel and having requested that the product be delivered to a charitable institution, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution for its use and not for sale.

17937. Adulteration of tomato catsup. U. S. v. 360 Cases * * *. (F. D. C. No. 31842. Sample No. 7496-L.)

LIBEL FILED: September 26, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about August 27, 1951, by Hunt Foods, Inc., from Bridgeton, N. J.

PRODUCT: 360 cases, each containing 24 14-ounce bottles, of tomato catsup at Buffalo, N. Y.

LABEL, IN PART: (Bottle) "Hunt's Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 22, 1951. Default decree of condemnation and destruction.

17938. Adulteration of tomato juice. U. S. v. Virgil Etchison (New Palestine Canning Co.). Plea of nolo contendere. Fine of \$150, plus costs. (F. D. C. No. 31109. Sample No. 77680-K.)

INFORMATION FILED: June 27, 1951, Southern District of Indiana, against Virgil Etchison, trading as the New Palestine Canning Co., New Palestine, Ind.

ALLEGED SHIPMENT: On or about October 2, 1950, from the State of Indiana into the State of Missouri.

LABEL, IN PART: "Omega Tomato Juice Omega Canning Co. Omega, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 23, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$150, plus costs.

17939. Adulteration of tomato puree. U. S. v. 118 Cases, etc. (F. D. C. Nos. 31837, 31838. Sample Nos. 22076-L, 22079-L, 22087-L.)

LIBEL FILED: September 28, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about July 19, 1951, by the Akin Products Co., from Mission, Tex.

PRODUCT: 218 cases, each containing 6 No. 10 cans, of tomato puree at Mobile, Ala.

LABEL, IN PART: (Can) "Val-Tex Brand Tomato Puree * * * Net Contents 6 Lbs. 5 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 2, 1951. Default decree of condemnation and destruction.

17940. Adulteration of tomato puree. U. S. v. 75 Cases * * *. (F. D. C. No. 31802. Sample No. 25760-L.)

LIBEL FILED: October 19, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 25, 1951, by Morris April Brothers, from Bridgeton, N. J.

PRODUCT: 75 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: (Can) "April Orchards Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 29, 1951. Default decree of condemnation and destruction.

17941. Adulteration of tomato puree. U. S. v. 69 Cases * * *. (F. D. C. No. 31878. Sample No. 32225-L.)

LIBEL FILED: October 5, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 11, 1951, by the Elsa Canning Co., from Elsa, Tex.

PRODUCT: 69 cases, each containing 48 10½-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: (Can) "Val-Tex Brand Tomato Puree * * * Packed by Akin Products Company, Mission, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: October 30, 1951. Default decree of condemnation and destruction.

POULTRY

17942. Adulteration of dressed poultry. U. S. v. 2,100 Pounds * * *. (F. D. C. No. 31386. Sample No. 24353-L.)

LIBEL FILED: July 23, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about July 9, 1951, by the Delmarva Poultry Corp., from Frankford, Del.

PRODUCT: 2,100 pounds of dressed poultry at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal, crop, and other extraneous matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17943. Adulteration of dressed poultry. U. S. v. 1,125 Pounds * * *.
(F. D. C. No. 31406. Sample No. 24354-L.)

LIBEL FILED: July 30, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 17, 1951, by the Mandata Poultry Co., from Mandata, Pa.

PRODUCT: 1,125 pounds of dressed poultry at Brooklyn, N. Y.

LABEL, IN PART: "RK-CAP."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added deleterious substance, diethylstilbestrol, which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: September 6, 1951. The shipper having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging by removal of the neck and evisceration, under the supervision of the Food and Drug Administration.

17944. Adulteration of dressed poultry. U. S. v. 1 Crate * * *. (F. D. C. No. 31410. Sample No. 24355-L.)

LIBEL FILED: August 2, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 15, 1951, by the Philip Cohen Poultry Co., from Waldoboro, Maine.

PRODUCT: 49 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material.

DISPOSITION: September 25, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17945. Adulteration of dressed turkeys. U. S. v. Earl B. Olson (Farmers Produce Co.), and Lawrence E. Erickson. Pleas of guilty. Defendant Olson fined \$100 and placed on probation for 3 years; Defendant Erickson fined \$100. (F. D. C. No. 30112. Sample No. 73156-K.)

INFORMATION FILED: April 24, 1951, District of Minnesota, against Earl B. Olson, trading as the Farmers Produce Co., Willmar, Minn., and against Lawrence E. Erickson, manager for Earl B. Olson.

ALLEGED SHIPMENT: On or about November 4, 1950, from the State of Minnesota into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy and decomposed substance by reason of the presence of birds

which were in part decomposed and birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in part the product of a diseased animal.

DISPOSITION: October 8, 1951. Pleas of guilty having been entered, the court imposed a fine of \$100 against Defendant Olson and placed him on probation for 3 years and imposed a fine of \$100 against Defendant Erickson.

17946. Adulteration of frozen turkeys. U. S. v. Roy O. Frantz (Roy O. Frantz Turkey Operating Account). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 31256. Sample No. 92283-K.)

INFORMATION FILED: September 17, 1951, District of Colorado, against Roy O. Frantz, trading as Roy O. Frantz Turkey Operating Account, Pueblo, Colo.

ALLEGED SHIPMENT: On or about December 1, 1950, from the State of Colorado into the State of New York.

LABEL, IN PART: "Distributed By C. A. Swanson & Sons Omaha, Nebraska."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

SPICES, FLAVORS, AND SEASONING MATERIALS

17947. Misbranding of black pepper. U. S. v. Frank Ferro (Katy Fruit Market). Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 30614. Sample Nos. 70751-K, 70752-K.)

INFORMATION FILED: August 1, 1951, District of Kansas, against Frank Ferro, trading as the Katy Fruit Market, Kansas City, Kans.

ALLEGED VIOLATION: On or about August 30, 1950, a drum containing a product labeled, in part, "Imitation Ground Pepper" was shipped from the State of Missouri into the State of Kansas, to the Katy Fruit Market at Kansas City, Kans. Subsequently, while the product was being held for sale after shipment in interstate commerce, the defendant removed a quantity of the product from the drum and repacked it into unlabeled bags, and placed in proximity to the repacked product a placard bearing the statement "Ground Black Pepper 98¢ Full Pound" and placed in the store window a sign bearing the statement "Black Pepper 98¢ Lb."

NATURE OF CHARGE: Misbranding, Section 403 (b), the product in the bags was imitation ground black pepper, and it was offered for sale under the name of another food, ground black pepper; and, Section 403 (c), the label of the product in the bags failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. The product was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 12, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$100, plus costs.

17948. Adulteration of pickled peppers. U. S. v. 98 Cases, etc. (F. D. C. No. 31864. Sample Nos. 29622-L, 30262-L.)

LABEL FILED: October 3, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about January 23 and June 14, 1950, from Jackson, Miss.

PRODUCT: 98 cases, each containing 24 6-ounce bottles, and 98 cases, each containing 24 3-ounce bottles, of pickled peppers at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed peppers. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1951. Default decree of condemnation and destruction.

17949. Adulteration of mayonnaise. U. S. v. 16 Cases * * *. (F. D. C. No. 31801. Sample No. 23866-L.)

LIBEL FILED: October 17, 1951, District of New Jersey.

ALLEGED SHIPMENT: During or about 1946 or 1947, from New York, N. Y., to Bound Brook, N. J.

PRODUCT: 16 cases, each containing 24 jars, of mayonnaise at Bound Brook, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1951. Default decree of condemnation and destruction.

17950. Adulteration and misbranding of salad dressing. U. S. v. 4 Cases * * *. (F. D. C. No. 31222. Sample No. 13613-L.)

LIBEL FILED: June 29, 1951, District of Utah.

ALLEGED SHIPMENT: On or about June 6, 1951, by John Scowcroft & Sons, from Twin Falls, Idaho.

PRODUCT: 4 cases, each containing 24 jars, of salad dressing at Ogden, Utah.

LABEL, IN PART: (Jar) "Dutch Mill One Pint Salad Dressing * * * Manufactured By Old Mill Products Co., Salt Lake City."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for salad dressing since it contained less than 30 percent by weight of vegetable oil.

DISPOSITION: October 29, 1951. Default decree of condemnation. The court ordered that the product be turned over to the United States marshal to be disposed of under his personal custody and direction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17901 TO 17950

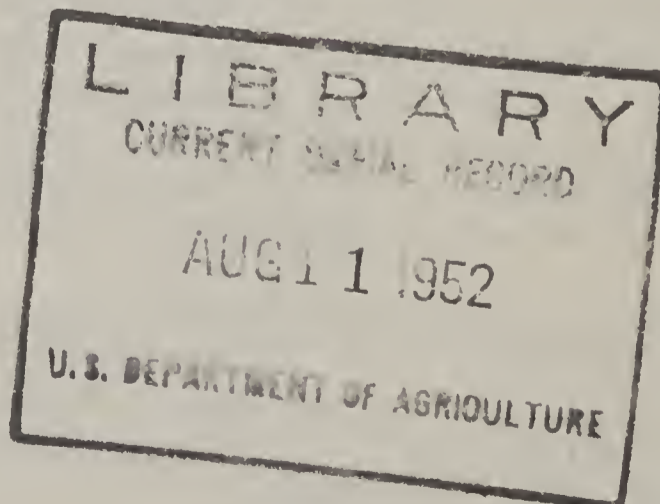
PRODUCTS			
	N. J. No.		N. J. No.
Beans, lima and pinto, dried-----	17930	Cereals and cereal products----	17901-
Blueberries, fresh-----	17927, 17928		17909
frozen-----	17929	Cheese, processed-----	17912
Butter-----	17910, 17911	Romano, grated-----	17913
Catsup, tomato-----	17937	Chickens. See Poultry.	

	N. J. No.		N. J. No.
Corn grits	17905	Pinto beans, dried	17930
Dairy products	17910-17913	Popcorn, unpopped	17906
Egg(s), frozen	17914, 17915	Potatoes. <i>See</i> Sweetpotatoes.	
powder, whole	17916	Poultry	17942-17946
Feeds and grains	17917-17919	Prunes, pitted	17926
Fish and shellfish	17920-17925	Rice	17907, 17908
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Romano cheese, grated	17913
Flounder fillets, frozen	17920	Salad dressing	17950
Flour	17901-17904	Sauerkraut, canned	17933
Fruits and vegetables	17926-17941	Shellfish. <i>See</i> Fish and shellfish.	
fruit, dried	17926	Shrimp, breaded, frozen	17925
fresh	17927, 17928	Soybean oil meal	17917
frozen	17929	Spices, flavors, and seasoning materials	17947-17950
tomatoes and tomato prod- ucts	17934-17941	Sweetpotatoes, canned	17932
vegetables and vegetable prod- ucts	17930-17933	Tomato(es), canned	17934-17936
Graham flour	17903	catsup	17937
Grains. <i>See</i> Feeds and grains.		juice	17938
Grits, corn	17905	puree	17939-17941
Lima beans, dried	17930	Tuna, canned	17922
Mackerel fillets, frozen	17920	Turkeys. <i>See</i> Poultry.	
Mayonnaise	17949	Vegetables. <i>See</i> Fruits and vege- tables.	
Oysters	17924	Veterinary preparations (vitamins)	17918, 17919
Peas, canned	17931	Wheat	17909
Pepper, black	17947	flour, whole	17904
Peppers, pickled	17948	Whiting, frozen	17923
Perch fillets, frozen	17921	Whole wheat flour	17904

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams' J., & Co., Inc.:		Cupp, H. K., & Sons:	
frozen mackerel fillets and frozen flounder fillets	17920	fresh blueberries	17928
Akin Products Co.:		Curtis, Wayne:	
tomato puree	17939, 17941	fresh blueberries	17928
Anderson, W. S.:		Delmarva Poultry Corp.:	
frozen blueberries	17929	dressed poultry	17942
Armour Creameries:		Elsa Canning Co.:	
butter	17911	tomato puree	17941
Blanchard Produce:		Erickson, L. E.:	
butter	17910	dressed turkeys	17945
Cape King Fisheries, Inc.:		Etchison, Virgil:	
canned tuna	17922	tomato juice	17938
Clifton, R. M.:		Farmers Produce Co. <i>See</i> Olson, E. B.	
fresh blueberries	17927	Ferro, Frank:	
Cohen, Philip, Poultry Co.:		black pepper	17947
dressed poultry	17944	Flotill Products, Inc.:	
Crawford Sauerkraut Co.:		canned tomatoes	17934
canned sauerkraut	17933		

	N. J. No.		N. J. No.
Fox DeLuxe Foods, Inc.:		Morey Mercantile Co.:	
frozen eggs-----	17914	flour-----	17902
Fox, Peter, Sons Co.:		Morris April Brothers:	
frozen eggs-----	17914	tomato puree-----	17940
Frantz, R. O.:		New Palestine Canning Co. <i>See</i>	
frozen turkeys-----	17946	Etchison, Virgil.	
Frantz, Roy O., Turkey Operating		Old Mill Products Co.:	
Account. <i>See</i> Frantz, R. O.		salad dressing-----	17950
General Freezer & Cold Storage		Olson, E. B.:	
Co.:		dressed turkeys-----	17945
frozen whiting-----	17923	Omega Canning Co.:	
Goldenberg, Ben, Inc.:		tomato juice-----	17938
whole egg powder-----	17916	Renzel, E. H., Co.:	
Granville Blueberry Growers:		rice-----	17907
frozen blueberries-----	17929	Roberts, S.:	
Gretna Grain Co.:		frozen blueberries-----	17929
wheat-----	17909	Rosenberg Brothers & Co., Inc.:	
Grow, Frank:		pitted prunes-----	17926
fresh blueberries-----	17928	Scott, E. H.:	
Huisinga, H. B.:		processed cheese and processed	
unpopped popcorn-----	17906	cheese food-----	17912
Hulcher Soya Products, Inc.:		Scott, H. M., Inc.:	
soybean oil meal-----	17917	processed cheese and processed	
Hunt Foods, Inc.:		cheese food-----	17912
tomato catsup-----	17937	Scowcroft, John, & Sons:	
Icco Cheese Co., Inc.:		salad dressing-----	17950
granted Romano cheese-----	17913	Standard Fish Co.:	
Katy Fruit Market. <i>See</i> Ferro,		frozen ocean perch fillets-----	17921
Frank.		Summit Fish Co. <i>See</i> Meltzer,	
Koch, R. F.:		H. I.	
whole egg powder-----	17916	Swanson, C. A., & Sons:	
Libby, McNeill & Libby:		frozen turkeys-----	17946
canned peas-----	17931	Triangle Sales Corp.:	
Mandata Poultry Co.:		canned peas-----	17931
dressed poultry-----	17943	Vitality Mills, Inc.:	
Meltzer, H. I.:		poultry food concentrate-----	17918
oysters-----	17924	Wist Produce Co.:	
Meyer Canning Co.:		frozen eggs-----	17915
canned tomatoes-----	17935		



32Nf

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17951-18000

FOODS

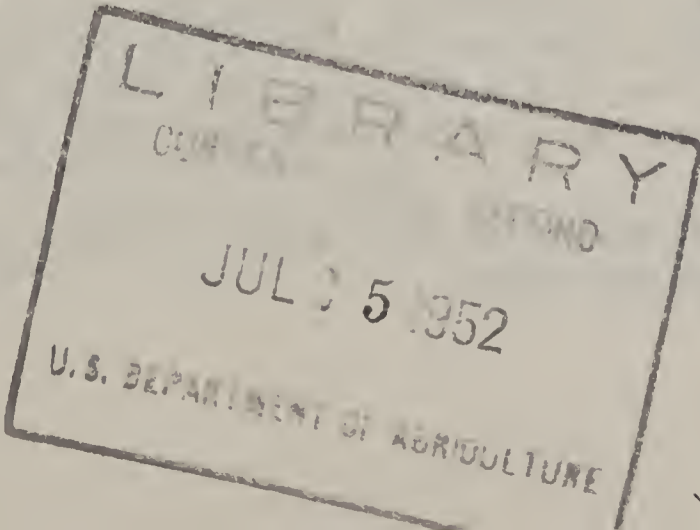
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., June 25, 1952.

CONTENTS

	Page		Page
Cereals and cereal products.....	468	Fruits and vegetables—Continued	
Bakery product.....	468	Frozen fruit.....	480
Flour.....	468	Vegetables and vegetable prod-	
Macaroni and noodle products..	470	ucts.....	485
Miscellaneous cereal.....	471	Tomatoes and tomato products..	487
Dairy products.....	471	Meat and poultry.....	488
Butter.....	471	Nuts.....	491
Cheese.....	472	Vitamin, mineral, and other	
Eggs.....	474	products of special dietary	
Fish and shellfish.....	477	significance.....	492
Fruits and vegetables.....	479	Index.....	493
Canned fruit.....	479		



CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCT**

17951. Adulteration of bread. U. S. v. Pfaff Baking Co., and George E. Mendon.
Pleas of guilty. Corporation fined \$150, plus costs; individual defendant fined \$10. (F. D. C. No. 31075. Sample Nos. 91193-K, 91194-K, 91196-K.)

INFORMATION FILED: June 20, 1951, Northern District of Iowa, against the Pfaff Baking Co., a corporation, Mason City, Iowa, and George E. Mendon, plant manager.

ALLEGED SHIPMENT: On or about December 11 and 12, 1950, from the State of Iowa into the State of Minnesota.

LABEL, IN PART: "Pfaff's Betsy Ross * * * Wheat Bread," "Aunt Hattie Old-Fashioned Loaf," and "Pfaff's Old Fashioned Potato Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 20, 1951. A plea of guilty having been entered on behalf of the corporation to all 3 counts of the information and a plea of guilty having been entered by the individual defendant to the first count, the corporation was fined \$150, plus costs and the individual defendant was fined \$10 on the first count. The remaining 2 counts against the individual were dismissed.

FLOUR

Nos. **17952 to 17955** report actions involving flour that was insect- or rodent-infested, or both. The flour reported in No. **17956** failed to meet the standard for enriched flour.

17952. Adulteration of flour. U. S. v. Burlington Grocery Co. Plea of guilty.
Fine, \$500. (F. D. C. No. 31104. Sample No. 4805-L.)

INFORMATION FILED: September 7, 1951, District of Vermont, against the Burlington Grocery Co., a corporation, Burlington, Vt.

ALLEGED SHIPMENT: On or about November 2, 1950, from the State of New York into the State of Vermont.

VIOLATION CHARGED: During the period from on or about November 2, 1950, to on or about February 15, 1951, while the product was held by the defendant for sale after shipment in interstate commerce, the defendant caused the product to be placed in a building that was accessible to rodents, to be exposed to contamination by rodents, and to become contaminated with rodent urine, rodent feces, and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence in the food of rodent urine, rodent feces, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1951. A plea of guilty having been entered, the court imposed a fine of \$500.

17953. Adulteration of flour. U. S. v. 1,500 Bags * * * . (F. D. C. No. 31490. Sample Nos. 16212-L, 16213-L.)

LIBEL FILED: August 27, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about July 31, 1951, from Norfolk, Va. This was a return shipment.

PRODUCT: 1,500 100-pound bags of flour at Wellington, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect-infested.

DISPOSITION: September 1, 1951. The Atchison, Topeka and Santa Fe Railway Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be sold for use in making industrial alcohol, under the supervision of the Federal Security Agency.

17954. Adulteration of flour. U. S. v. 212 Bags * * * . (F. D. C. No. 31458. Sample Nos. 21763-L to 21766-L, incl.)

LIBEL FILED: August 7, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 22, 1951, from Springfield, Ill.

PRODUCT: 212 100-pound bags of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 16, 1951. Bakers Service, Inc., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

17955. Adulteration of flour. U. S. v. 33 Bags * * * . (F. D. C. No. 31197. Sample No. 1427-L.)

LIBEL FILED: June 21, 1951, Northern District of Florida.

ALLEGED SHIPMENT: On or about July 28, 1950, from Chattanooga, Tenn.

PRODUCT: 33 25-pound bags of flour at Tallahassee, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 26, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed, in lieu of destruction.

17956. Adulteration and misbranding of enriched flour. U. S. v. Central Milling Co. Plea of guilty. Fine, \$100. (F. D. C. No. 30619. Sample Nos. 67852-K, 13454-L, 13455-L.)

INFORMATION FILED: October 22, 1951, District of Utah, against the Central Milling Co., a corporation, Logan, Utah.

ALLEGED SHIPMENT: On or about January 31, 1951, from the State of Utah into the State of Idaho.

LABEL, IN PART: "Red Rose Enriched 8 ozs. enriched flour contain not less than the following proportions of the minimum daily requirements of: Thiamine, 100%, Riboflavin 30%, Iron 65% and 8 mg. of Niacin."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, thiamine, riboflavin, niacin, and iron, had been in part omitted; and, Section 402 (b) (2), non-enriched flour had been substituted for enriched flour.

Misbranding, Section 403 (a), the label statements "8 ozs. enriched flour contain not less than the following proportions of the minimum daily requirements of: Thiamine 100%, Riboflavin 30%, Iron 65%, and 8 mg. of Niacin" were false and misleading since 8 ounces of the article contained less than the stated proportions of the minimum daily requirements of thiamine, riboflavin, and iron, and less than 8 milligrams of niacin; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained per pound less than 2.0 milligrams of thiamine, less than 1.2 milligrams of riboflavin, less than 16.0 milligrams of niacin, and less than 13.0 milligrams of iron.

DISPOSITION: October 29, 1951. A plea of guilty having been entered, the court fined the defendant \$100.

MACARONI AND NOODLE PRODUCTS

17957. Adulteration of macaroni. U. S. v. 43 Cases * * *. (F. D. C. No. 31467. Sample No. 30340-L.)

LIBEL FILED: August 10, 1951, District of Montana.

ALLEGED SHIPMENT: On or about July 16, 1951, by the Golden Grain Macaroni Co., from Seattle, Wash.

PRODUCT: 43 cases, each containing 12 1-pound, 8-ounce packages, of macaroni at Missoula, Mont.

LABEL, IN PART: (Package) "Golden Grain Enriched Cut Macaroni."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 8, 1951. Default decree of condemnation. The court ordered that the product be denatured and released to a public institution, for use as animal feed, or, that in lieu thereof, that it be destroyed.

17958. Adulteration of an egg noodle product. U. S. v. 14 Cases * * *. (F. D. C. No. 31422. Sample No. 21934-L.)

LIBEL FILED: On or about July 3, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 16, 1951, from Brooklyn, N. Y.

PRODUCT: 14 cases, each containing 12 packages, of an egg noodle product at New Orleans, La. The product was insect-infested.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1951. Default decree of condemnation and destruction.

17959. Adulteration of spaghetti. U. S. v. 2,000 Cases * * *. (F. D. C. No. 31480. Sample No. 17859-L.)

LIBEL FILED: August 15, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about July 3, 1951, by Galioto Bros. & Co., from Chicago, Ill.

PRODUCT: 2,000 cases of spaghetti at National City, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 11, 1951. Default decree of condemnation. The court ordered that the product be sold to the highest bidder; that it be denatured at the expense of the purchaser, under the supervision of the Food and Drug Administration; and that it be converted into animal feed.

MISCELLANEOUS CEREAL

17960. Adulteration of rice. U. S. v. 480 Bags, etc. (F. D. C. No. 31466. Sample Nos. 17114-L, 17115-L.)

LIBEL FILED: August 14, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about March 15 and 19, 1951, from Houston, Tex.

PRODUCT: 928 100-pound bags of rice at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 31, 1951. The Kwong On Lung Co. and the Modern Food Products Co., Los Angeles, Calif., claimants for respective portions of the product, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. Reconditioning resulted in the salvaging and release of 84,500 pounds of the product and in the rejection and destruction of 900 pounds.

17961. Adulteration of rice. U. S. v. 16 Bags * * *. (F. D. C. No. 31455. Sample No. 11185-L.)

LIBEL FILED: August 7, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 19, 1951, from De Witt, Ark.

PRODUCT: 16 100-pound bags of rice at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 7, 1951. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

17962. Adulteration of butter and dried skim milk powder. U. S. v. Central Farm Products Co. and Edwin Knudsen. Plea of guilty for corporation and plea of nolo contendere by individual defendant. Corporation

fined \$750, plus costs. Imposition of sentence against individual defendant suspended; individual placed on probation for 1 year. (F. D. C. No. 31081. Sample Nos. 54892-K, 55061-K, 74156-K.)

INFORMATION FILED: May 2, 1951, Western District of Missouri, against the Central Farm Products Co., Trenton, Mo., and Edwin Knudsen, vice president and plant manager.

ALLEGED SHIPMENT: On or about August 29, September 26, and October 5, 1950, from the State of Missouri into the States of Texas, Alabama, and New York.

LABEL, IN PART: "Solo Brand Roller Dried Skim Milk Powder * * * Central Farm Products Co." and "Butter Central Farm Products Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of (dried skim milk powder) fly heads, carpet beetle larvae, feather barbules, insect fragments, moth scales, larval cast skins, and manure fragments, and (butter) insect fragments, manure fragments, and rodent hair fragments.

DISPOSITION: May 25, 1951. A plea of guilty having been entered for the corporation and a plea of nolo contendere having been entered by the individual defendant, the corporation was fined \$750, plus costs, and the imposition of sentence against the individual defendant was suspended and he was placed on probation for 1 year.

17963. Adulteration of butter. U. S. v. Hoelscher Creamery & Dairy. Plea of guilty. Fine, \$50. (F. D. C. No. 30580. Sample No. 91107-K.)

INFORMATION FILED: April 24, 1951, District of South Dakota, against Hoelscher Creamery & Dairy, a partnership, Lennox, S. Dak.

ALLEGED VIOLATION: On or about October 23, 1947, the defendant gave to a firm engaged in the business of shipping butter in interstate commerce, at Sioux Falls, S. Dak., a guaranty to the effect that all food products sold or shipped by the defendant to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about September 25, 1950, the defendant shipped and delivered a number of boxes of butter to the holder of the guaranty, at Sioux Falls, S. Dak., which was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, moth scales, and manure, and by reason of the use of filth-contaminated cream in the preparation of the product.

DISPOSITION: November 29, 1951. A plea of guilty having been entered, the court imposed a fine of \$50.

CHEESE

17964. Adulteration of cheese. U. S. v. 118 Cases * * *. (F. D. C. No. 31402. Sample No. 37532-L.)

LIBEL FILED: July 30, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 23, 1946, from Eagle Pass, Tex.

PRODUCT: 118 cases, each containing 2 60-pound tins, of cheese at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 27, 1951. Demosthenes Costalos of New York City, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging under the supervision of the Federal Security Agency. Salvaging operations resulted in the release of 4,867 pounds of cheese as fit for human consumption and the rejection of 2,243 pounds as unfit. The unfit portion of the cheese was denatured.

17965. Adulteration of Cheddar cheese. U. S. v. 7,560 Pounds * * *.
(F. D. C. No. 31215. Sample No. 25088-L.)

LIBEL FILED: June 22, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about April 6 and 20, 1951, from Atlanta and Augusta, Ga. (These were return shipments.)

PRODUCT: 7,560 pounds of Cheddar cheese at Belle Mead, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta, and of a decomposed substance by reason of the presence of mold.

DISPOSITION: September 13, 1951. Consumer-Farmer Milk Cooperative, Inc., Long Island City, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by trimming and cutting off the unfit portion and denaturing that portion under the supervision of the Food and Drug Administration. The waste and scraps, amounting to approximately 2,500 pounds, were denatured and sold for use as hog feed.

17966. Adulteration of Cheddar cheese. U. S. v. 50 Cases * * *. (F. D. C. No. 31468. Sample No. 6984-L.)

LIBEL FILED: August 13, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 19, 1951, by the Cudahy Packing Co., from Youngstown, Ohio.

PRODUCT: 50 cases each containing 4 Cheddar cheeses, each weighing approximately 13 pounds, at Beaver Falls, Pa.

LABEL, IN PART: "Illinois Cheddar Cheese Approved Plant 544."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of manure, insect fragments, and rodent hairs, and by reason of the use of filthy milk in its preparation; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 30, 1951. Default decree of condemnation and destruction.

17967. Adulteration of processed cheese food. U. S. v. 126 Cartons * * *.
(F. D. C. No. 31454. Sample No. 7592-L.)

LIBEL FILED: August 1, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about November 1, 1950, from Chicago, Ill.

PRODUCT: 126 2-pound cartons of processed cheese food at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 28, 1951. Default decree of condemnation and destruction.

EGGS

17968. Alleged adulteration and misbranding of frozen eggs and adulteration and misbranding of liquid eggs. U. S. v. Israel C. Korol (Korol Egg Co.). Plea of not guilty. Tried to the jury. Verdict of not guilty with respect to frozen eggs and verdict of guilty as to liquid eggs. Fine of \$1,000 and sentence of 180 days in jail. Jail sentence suspended. Judgment affirmed on appeal. (F. D. C. No. 30070. Sample Nos. 3399-K, 82323-K.)

INFORMATION FILED: February 14, 1951, District of Columbia, against Israel C. Korol, trading as the Korol Egg Co., Washington, D. C.

ALLEGED VIOLATION: Within the period from on or about July 10 to 24, 1950, the defendant introduced and delivered into interstate commerce in the District of Columbia, quantities of frozen eggs and liquid eggs.

NATURE OF CHARGE: Frozen eggs. Adulteration, Section 402 (a) (3), the article consisted in part of decomposed eggs. Misbranding, Sections 403 (e) (1) and (2), the container of the article did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the container of the article did not bear a label bearing the common or usual name of the article.

Liquid eggs. Adulteration, Section 402 (a) (3), the article consisted in part of decomposed eggs, and it was otherwise unfit for food by reason of the presence of bloody whites and chicken embryo particles. Misbranding, Sections 403 (e) (1) and (2), the container of the article did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the container of the article did not bear a label bearing the common or usual name of the article.

DISPOSITION: March 21, 1951. The defendant having entered a plea of not guilty, the case came on for trial before a jury, at the conclusion of which the jury returned a verdict of not guilty with respect to the frozen eggs and a verdict of guilty with respect to the liquid eggs. A fine of \$1,000 and a sentence of 180 days in jail were imposed with respect to the violations involving the liquid eggs; however, the jail sentence was suspended. The defendant subsequently took an appeal to the Municipal Court of Appeals for the District of Columbia. On June 28, 1951, the following opinion was handed down, affirming the judgment of the lower court:

CLAGETT, *Associate Judge*: "Defendant, doing business as the Korol Egg Company, was charged with having violated certain provisions of the Federal Food, Drug, and Cosmetic Act¹ in that he introduced and caused to be delivered in interstate commerce misbranded cans containing adulterated eggs. A jury returned a verdict of guilty on two of the four counts of the information, and defendant was duly sentenced. He appeals.

¹ Tit. 21 U. S. C. A. § 301 et seq., as amended June 25, 1938.

"The eggs had been broken and sold in liquid form to a local bakery. The two counts on which defendant was convicted charged that the food thus shipped was both adulterated and misbranded within the meaning of the Act in that (1) the liquid eggs were decomposed and also otherwise unfit for food because they contained bloody whites, chicken embryos, and meat particles, and (2) the containers failed to bear any labels indicating the manufacturer, packer, or distributor, the quantity of the contents, or the common or usual name of the food.² By stipulation the interstate character of the shipment³ and the identity of the articles inspected were admitted by defendant.

"The evidence showed, without denial, that the operator of a Washington bakery had purchased two cans of eggs from defendant on November 2, 1950, accompanied by an invoice marked 'Two cans Eggs—fresh'; that the baker had immediately placed the two cans of eggs in his refrigerator; that the cans remained in his refrigerator until the next day, November 3, when one of the cans was removed for use; that on November 3 a duly qualified inspector for the Food and Drug Administration came into the bakery premises and inspected the eggs; that at the time of the inspection one of the cans had been out of the refrigerator approximately one and a half hours; that the can of eggs in the refrigerator smelled bad the moment the cover was lifted and contained bloody whites and chicken embryos, while the can of eggs that was out of the refrigerator contained bloody whites and meat particles; that the temperature maintained in the refrigerator on November 2-3 ranged from 32°-36° Fahrenheit. The baker also testified that he had other eggs and food in his refrigerator during this period, all of which gave no evidence of deterioration; the baker also testified that neither can bore any markings or labels indicating the manufacturer, the quantity, or the common name of the food contained therein. It was testified, however, that one of the cans did carry 'Litchfield' on it.

"The same inspector of the Food and Drug Administration testified that he had had extensive training and experience in the examination of foods and food products, particularly with regard to determining the extent of decomposition and other adulteration in eggs; that he made the inspection in question on November 3; that a good egg has no odor and that any odor in eggs is evidence of decomposition; that his examination revealed the fact that the can of liquid eggs in the refrigerator was strongly malodorous and contained bloody whites and chicken embryos and the can outside the refrigerator while 'passable' from the standpoint of odor was, in fact, adulterated as shown by the presence of bloody whites and chicken embryos; that neither can bore any labels as required by the Act; that no specimen was taken of the cans nor were the cans retained, the contents being promptly disposed of after the inspection.

"A properly qualified expert of the Food and Drug Administration also testified that a good egg has no odor; that liquid eggs which give off an offensive odor are decomposed; that liquid eggs which give off an offensive odor after being stored approximately 24 hours at temperatures of 32°-36° Fahrenheit must have been decomposed at the time they were placed in storage.

"Defendant, who was his only witness, admitted on cross-examination that in the course of his business he purchased and used subpar eggs known to the trade as 'dirties and leakers'; that prior to the sale of these liquid eggs he

² Tit. 21 U. S. C. A. § 331 (a) prohibits the introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded. Tit. 21 U. S. C. A. § 321 (f) (1) defines "food" as meaning articles used for food or drink for man or other animals. Tit. 21 U. S. C. A. § 342 (a) (3) provides that food is "adulterated" if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food. Tit. 21 U. S. C. A. § 343 (e) (1) provides that a food is misbranded if in package form unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor. Tit. 21 U. S. C. A. § 343 (e) (2) provides that a food shall be deemed to be misbranded if in package form unless it bears a label containing "an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count." Tit. 21 U. S. C. A. § 343 (i) (1) provides that a food shall be misbranded if its label does not bear the common or usual name of the food.

³ Tit. 21 U. S. C. A. § 321 (b) defines interstate commerce as used in the Act as (1) commerce between any state or territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other territory not organized with a legislative body.

had told the inspector of the Food and Drug Administration that he had ceased to break eggs but that on that date he had shipped two cans of liquid eggs to the bakery in question in the District of Columbia.

"In his assignments of error and brief defendant maintained that the sale of eggs in the District of Columbia is governed by the District of Columbia health regulations and not by the Federal Food, Drug, and Cosmetic Act, but this assignment of error was withdrawn at oral argument. That the point was not well taken is made clear by the language of the Act itself and has been so decided.⁴ Most of the other assignments of error discussed in defendant's brief are based on points not raised in the trial court and, according to the statement of proceedings and evidence before us, no evidence covered by such points was offered or received. It is, of course, fundamental that points not raised and properly preserved in the trial court will not be considered on appeal.⁵ Exceptions to this rule exist only where plain error has been committed to prejudice in some substantial manner appellant's right to a fair trial.⁶ We hold that this case does not constitute such an exception.

"Defendant's remaining assignment of error is that there was insufficient proof that the eggs were adulterated within the meaning of the Act. The undisputed testimony recited above, we believe, completely disposes of this contention. The Act forbids the presence in food of *any* decomposition. Even if it were true, as defendant contends, that one bad egg alone could have caused the odor, it seems clear that the presence of even one bad egg would have furnished sufficient proof of decomposition. As was said in *A. O. Andersen & Co. v. United States*, 9 Cir., 284 Fed. 542:

It appeared from the cross-examination of the government witnesses that they have heretofore suffered canned salmon containing a small percentage of filthy, decomposed, or putrid matter to pass in interstate commerce unchallenged, but there is no room for controversy over percentages under the statute itself, for it excludes all.⁷

"While not raised in the trial court and only inferentially assigned as error, defendant at oral argument urged that the court erred in permitting the Government to introduce oral testimony as to the condition of the contents and absence of markings on the containers of eggs shipped by him, rather than requiring the production of the physical objects themselves. It is to be noted that the stipulation entered in the case recited, among other things, that the two cans of liquid eggs examined by the inspector on November 3 were the same two cans of liquid eggs which had been shipped to the bakery by defendant on November 2. We hold that the testimony of a witness, who by the employment of any of his senses, has obtained personal knowledge of the physical condition or attributes of an article of personal property is primary evidence of its character and condition and the article itself need not be produced.⁸ It has also been held that where the object in issue is offensive to the senses and the facts can be established by other evidence, such evidence is sufficient.⁹

"We hold finally that the factual issues having been fairly presented to the jury and resolved against defendant, the record discloses no error.

"Affirmed."

⁴ *Rubenstein v. United States*, 80 U. S. App. D. C. 322, 153 F. 2d 127.

⁵ *Morton v. United States*, 79 U. S. App. D. C. 329, 147 F. 2d 28, cert. denied 324 U. S. 875; *Depina v. United States*, 78 U. S. App. D. C. 31, 137 F. 2d 673; *Miller v. United States*, 57 App. D. C. 228, 19 F. 2d 702; *Packard v. United States*, D. C. Mun. App., 77 A. 2d 19, 79 W. L. R. 9; *Lee v. United States*, D. C. Mun. App., 40 A. 2d 550, 73 W. L. R. 57.

⁶ *Boykin v. United States*, 76 U. S. App. D. C. 147, 130 F. 2d 416; *McAffee v. United States*, 70 App. D. C. 142, 105 F. 2d 21, cert. denied 310 U. S. 643; *Freeman v. United States*, 9 Cir., 158 F. 2d 891, cert. denied 331 U. S. 805; *Varrella v. United States*, D. C. Mun. App., 64 A. 2d 310, 77 W. L. R. 576; *District Hauling & Construction Co. v. Argerakis*, D. C. Mun. App. 34 A. 2d 31, 71 W. L. R. 806.

⁷ See also *United States v. Two Hundred Cases of Canned Salmon*, D. C. S. D. Tex., 289 Fed. 157; *United States v. Krumm*, D. C. E. D. Pa., 269 Fed. 848; *United States v. Two Hundred Cases of A. T. Catsup*, D. C. D. Ore., 211 Fed. 780.

⁸ *Pablo v. United States*, 9 Cir., 242 Fed. 905; *Williams v. State*, 179 Tenn. 247, 165 S. W. 2d 377; *Mattson v. Minnesota & N. W. R. Co.*, 98 Minn. 296, 108 N. W. 517; *Watercutter v. State*, 21 Ala. App. 248, 108 So. 870; *Comm. v. Bland*, 11 Gray 74; *Underhill*, *Criminal Evidence*, § 110 (4th ed. 1935); 4 *Wigmore, Evidence*, § 1181 (3d ed. 1940).

⁹ *Knowles v. Crampton*, 55 Conn. 336, 11 Atl. 593.

17969. Adulteration of frozen eggs. U. S. v. 1,000 Cans * * *. (F. D. C. No. 31434. Sample No. 7185-L.)

LIBEL FILED: July 11, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 8, 1951, by the Wilson Egg Corp., from Cincinnati, Ohio.

PRODUCT: 1,000 30-pound cans of frozen eggs at Pittsburgh, Pa.

LABEL, IN PART: "Whole Eggs * * * Allied Egg Products Company, Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 26, 1951. The Wilson Egg Corp., claimant, having filed a petition denying the allegations in the libel that the product consisted in whole or in part of decomposed eggs and praying relief to have the product examined under the supervision of the Federal Security Agency, judgment was entered ordering that the product be released to the claimant for the purpose of having such examination made. The court ordered further that if the representative of the Federal Security Agency making the examination decided that any portion of the product was unfit for food, such portion should be returned to the United States marshal immediately, or otherwise disposed of as required by further order of the court. Examination disclosed that 138 cans of the product were inedible.

17970. Adulteration of frozen eggs. U. S. v. 100 Cans * * *. (F. D. C. No. 31189. Sample No. 9650-L.)

LIBEL FILED: June 13, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 13 and 20, 1951, by C. A. Swanson & Sons, from Omaha, Nebr.

PRODUCT: 100 cans, each containing 30 pounds, of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: August 21, 1951. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion. Of the 120 cans of the product which had been seized, 13 cans were found to be unfit for food and were denatured, and the remainder were released.

FISH AND SHELLFISH

17971. Adulteration of frozen whiting. U. S. v. 18 Boxes * * *. (F. D. C. No. 31465. Sample Nos. 30860-L, 31449-L.)

LIBEL FILED: August 10, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: July 7, 1951, by the General Freezer & Storage Co., from New Bedford, Mass.

PRODUCT: 18 boxes, each containing 5 10-pound cartons, of frozen whiting at St. Louis, Mo.

LABEL, IN PART: "H & D Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be sold to the highest bidder, conditioned that the product be so rendered as not to be fit for human consumption, and that it be used solely for nonhuman consumption.

17972. Adulteration and misbranding of canned herring roe. U. S. v. 13 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 31027, 31028, 31224. Sample Nos. 909-L, 24868-L, 24870-L.)

LIBELS FILED: May 4 and June 28, 1951, Middle District of Pennsylvania and Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 16 and 19 and March 23 and 30, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: Herring roe. 13 cases at Gettysburg, Pa., 10 cases at Hanover, Pa., and 27 cases at Monroe, N. C. Each case contained 24 15-ounce cans.

LABEL, IN PART: "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label designation "Herring Roe" was false and misleading.

DISPOSITION: July 30 and November 30, 1951. No claimant having appeared, judgments of condemnation were entered. The court ordered that the portion of the product which was seized at Monroe, N. C., be destroyed and that the other lots be distributed to charitable institutions.

17973. Adulteration and misbranding of canned herring roe. U. S. v. 21 Cases * * *. (F. D. C. No. 31798. Sample No. 4362-L.)

LIBEL FILED: On or about October 16, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about June 22, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 21 cases, each containing 24 15-ounce cans, of herring roe at Baltimore, Md.

LABEL, IN PART: (Can) "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label designation "Herring Roe" was false and misleading as applied to an article which consisted of roe other than herring roe.

DISPOSITION: November 8, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

17974. Adulteration of canned shrimp. U. S. v. 28 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 31472, 31473. Sample Nos. 21659-L to 21661-L, incl.)

LIBELS FILED: August 15, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 12, 1950, and January 3, 1951, from Boston, Mass. These were return shipments.

PRODUCT: Canned shrimp. 31 cases, each containing 48 cans, and 23 cases, each containing 24 cans, at New Orleans, La.

LABEL, IN PART: (Can) "Tri-More Brand Drained Weight 5 Ozs Wet Pack Small Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp, and it was otherwise unfit for food by reason of the presence of grayish colored shrimp with a metallic taste.

DISPOSITION: September 19, 1951. Default decrees of condemnation and destruction.

17975. Adulteration of frozen breaded shrimp. U. S. v. 339 Cases * * *.
(F. D. C. No. 31056. Sample No. 17757-L.)

LIBEL FILED: April 18, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about March 12, 1951, by the McKown-Liston Packing Co., from Nogales, Ariz.

PRODUCT: 339 cases, each containing 24 12-ounce packages, of frozen breaded shrimp at Los Angeles, Calif. Examination disclosed that the product consisted of peeled shrimp, which was coated with insect-infested corn meal, and a cellophane bag of powdered batter mix.

LABEL, IN PART: "Liston Shrimp Dinner Quick Frozen Jumbo Shrimp With Special Batter Mix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested corn meal.

DISPOSITION: May 14, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The shrimp were thawed and washed, thus removing the contaminated corn meal, and they then were rebreaded, repackaged, and refrozen. These operations resulted in the salvage of 299¹⁰/₂₄ cases of the shrimp.

FRUITS AND VEGETABLES

CANNED FRUIT

17976. Misbranding of canned peaches. U. S. v. 83 Cases * * *. (F. D. C. No. 31781. Sample No. 21858-L.)

LIBEL FILED: October 22, 1951, Northern District of Texas.

ALLEGED SHIPMENT: On or about July 28, 1951, by the Monticello Canning Co., from Monticello, Ga.

PRODUCT: 83 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Dallas, Tex.

LABEL, IN PART: (Can) "Betty Ann Yellow Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article failed to meet the test for tenderness prescribed in the standard; the weight of the

largest unit in the container of the article was more than twice the weight of the smallest unit; and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: December 7, 1951. Default decree of condemnation. The court ordered that the product be delivered to a State institution.

17977. Adulteration of canned crushed pineapple. U. S. v. 2,897 Cases * * *.
(F. D. C. No. 31487. Sample Nos. 21768-L, 21769-L.)

LIBEL FILED: August 21, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 25, 1949, from New York, N. Y.

PRODUCT: 2,897 cases, each containing 6 6-pound, 8-ounce cans, of crushed pineapple at New Orleans, La. The product was undergoing progressive decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

17978. Supplement to notice of judgment on foods, No. 17127. Violation of probation. U. S. v. Joseph A. Prime (Prime Canning Co.). Fine of \$500 and sentence of 1 year in jail. Jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 30064. Sample No. 74890-K.)

On March 5, 1951, upon a plea of guilty to the charge of introducing and delivering for introduction into interstate commerce adulterated frozen strawberries, the defendant, Joseph A. Prime, was fined \$500 and sentenced to 1 year in jail. The jail sentence was suspended, however, and he was placed on probation for 1 year.

On January 21, 1952, the defendant was brought before the court on a charge of violating his probation by packing unfit strawberries on June 25 and 28, 1951, which were shipped in interstate on or about December 3, 1951. A hearing was held on January 25, 1952, at the conclusion of which the court revoked the previous probation sentence and imposed a new fine of \$500 to be paid by February 4, 1952. A new sentence of 1 year in jail was imposed, which sentence was suspended and the defendant again was placed on probation for 1 year.

17979. Supplement to notice of judgment on foods, No. 12344. Adulteration of frozen strawberries. U. S. v. 1,600 Cans (and 1 other seizure action). (F. D. C. Nos. 23369, 23441. Sample Nos. 39281-H, 39282-H, 39294-H, 39295-H.)

On September 23, 1947, decrees of condemnation were entered ordering 1,600 30-pound cans, 81 450-pound drums, and 30 450-pound barrels of frozen strawberries at Green Bay, Wis., which were shipped by M. W. Miller & Co., from New Orleans, La., and which consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and moldy berries, released under bond to be brought into compliance with the law by segregating the good strawberries from the bad, under the supervision of the Food and Drug Administration.

On September 15, 1948, the claimant, M. W. Miller & Co., filed motions that the decrees be vacated and set aside and that it be allowed to file answers to the libels and defend and for further alternative relief.

On December 22, 1948, the court handed down the following opinion, denying the motion to vacate and extending the time to March 1, 1949, for bringing the product into compliance with the law:

DUFFY, *District Judge*: "These two actions, commenced respectively on July 22, 1947, and September 4, 1947, each involving the res designated in their respective titles, were brought for the seizure and condemnation thereof under the Federal Food, Drug and Cosmetic Act (21 U. S. C., Sec. 301, et seq.). M. W. Miller Company, a Wisconsin corporation, of Sturgeon Bay, Wisconsin, intervened in the actions as claimant under Sec. 304 of the act, averring sole ownership of the articles. At the time of such intervention, the claimant was, and ever since has been, represented by counsel. A decree of condemnation as prayed for was entered in each of the actions on September 23, 1947. The decrees were entered upon the consents of the claimant through its counsel. Such decrees adjudged that the articles seized were adulterated within the act, and thereby condemned, and also provided for the recovery of costs in stated amounts from the claimant. Further provisions, at the instance of the claimant, were inserted in the decrees, setting forth in great detail steps to be taken by the claimant 'for the purpose of bringing said articles into compliance with the law by segregating the good strawberries from the bad strawberries by methods of segregation approved by and under the supervision of the Food and Drug Administration.' In this connection a six months period, which expired March 23, 1948, was specified within which the claimant was to complete the process of 'reclamation.' The decrees were amended by the court on May 26, 1948, by extending, at claimant's request, to September 1, 1948, the time within which to bring the articles into compliance with the law. No further extension has been granted.

"The two actions are now before the court on the claimant's motions in each that the decrees, as amended, be vacated and set aside and that it be allowed to file answers to the libels and defend. These motions, filed and served September 15, 1948, were heard September 27, 1948. For the relief requested the claimant invokes Rule 60 (b) of the Federal Rules of Civil Procedure as amended, asserting that the decrees were taken against it through 'excusable neglect.'

"In addition to the motions to vacate and set aside the decrees in each action, claimant presents five other motions in No. 4430 and four other motions in No. 4462. All of these additional motions are conditional with respect to either favorable or unfavorable action to be taken on the motions to vacate and set aside the decrees. The government's contentions questioning claimant's latter motions will be given first consideration.

"The government contends that the claimant's motions to vacate (together with its further motions made conditionally upon their allowance) are open to question, since the Federal Rules of Civil Procedure under which they are made do not apply to the instant cases. There is no basis for this contention in view of Sec. 334 (b) of the act, which provides:

. . . the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; . . .

"This language does not make a case under the act a proceeding in admiralty and clearly recognizes the existence and utilization of procedure other than 'procedure in admiralty' as proper to be followed therein, at least in part. Thus, a case under the act, being an individual unit of litigation, is not a proceeding in admiralty, as mentioned in Rule 81 (a) (1) of the Federal Rules of Civil Procedure. That the rules do have application in cases under the act in degree is recognized in Rule 81 (a) (2), where it is prescribed that they shall apply 'to the extent not set forth' in the act.

"It is settled by the great weight of authority that the statute governing procedure for the seizure of adulterated or misbranded food, drugs, or cosmetics applies only to the seizure of the property, and *thereafter* proceedings in the action, which are civil in nature, are governed by the Federal Rules

of Civil Procedure. *443 Cans of Frozen Egg Product v. United States*, 226 U. S. 172; *United States v. 20 Cases, Etc. of Jell-O*, 77 F. Supp. 231; *United States v. 74 Cases . . . Plum Jelly*, 73 F. Supp. 1009; *United States v. 88 Cases, Etc., of Bireley's Orange Beverage*, 5 F. R. D. 503; *United States v. 300 Cases, Etc. of Black Raspberries*, 7 F. R. D. 36. The contrary holding of *United States v. 720 Bottles . . . Vanilla Extract*, 3 F. R. D. 446, is not followed. I hold the government's contention in this respect is without merit.

"The government further contends that relief under Rule 60 (b) is available solely in actions or proceedings involving a 'party or his legal representative' and that claimant is not a 'party' and thus may not invoke the rule in the instant cases because they are proceedings in res, lodged against impersonal articles of property. While the claimant is not a nominal party to these cases, it has, in accordance with the provisions of the act, intervened and participated therein as a 'party' and 'claimant.' Its intervention and participation, on the basis of such statutory authority, has continued throughout their pendency, including consenting on its part to the entry of the decrees of condemnation and becoming liable thereunder for accrued and subsequent costs. In my opinion, contrary to the government's contention, the claimant is clearly subject to be classified as a 'party' not only under the act, but under the rule as well.

"There is disagreement between the government and the claimant whether the maximum time limit of one year fixed in the rule as amended, or the time limit of six months prescribed in the rule prior to its amendment, is here applicable.

"The rule as amended, which became effective March 19, 1948, provides in this respect:

On motion, and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment . . . for the following reasons: (1) mistake, inadvertence, surprise or excusable neglect: . . . The motion shall be made within a reasonable time and for reasons (1) . . . not more than one year after the judgment . . . was entered. . . .

"This amendment to the rule, together with other amendments effective at the same time, is to be read in connection with the provisions of Rule 86 as amended (28 U. S. C. A., following Section 723, 1948 Supp. Pamphlet, p. 624), as follows:

. . . They (the amendments) govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

"Prior to its amendment the pertinent provisions of Rule 60 (b) read:

. . . The motion shall be made within a reasonable time, but in no case exceeding six months after such judgment, order, or proceeding was taken. . . .

"However, what the maximum time limit happens to be is not the important consideration. It must first be determined whether the motions of the claimant pass the test of being brought 'within a reasonable time.' This prerequisite point was apparently overlooked by counsel on the erroneous assumption that timeliness is met if the motion is brought before the maximum period indicated. In the rule and amended rule these periods merely mark the outermost limit of a 'reasonable time' within which the motions must be made. *McGinn v. United States* (D. C., Mass., 1942), 2 F. R. D. 562, 564.

"Although the decrees herein were entered on September 23, 1947, with the full knowledge and consent of the claimant, it was not until September 15, 1948, almost one year later, that claimant made its motions to vacate. During this entire period claimant was apparently represented by counsel, and retained additional counsel early in July, 1948. Possibly the long and unnecessary period of inaction was due to counsels' belief that the motion would be timely if brought before the expiration of the one year period. This may be an explanation for the delay, but utterly fails to justify or excuse it. The duty was on plaintiff to exercise due diligence and to proceed without

unreasonable delay. *Cyclopedia of Federal Procedure*, 2d. Ed., Sec. 3588: *Wallace v. United States* (D. C., W. D., N. Y., 1941), 2 F. R. D. 173.

"Under the circumstances here present, assuming that the rule is applicable, the motions to vacate cannot be granted because they cannot be said to have been brought within a reasonable time. However, as hereinafter indicated, the rule does not apply.

"At this point we must consider the contention advanced by the claimant that it may be motions, invoking Rule 60 (b) as amended, vacate the consent decrees on the ground of claimant's 'excusable neglect.' It relies heavily on *Fleming v. Huebsch Laundry Corp.*, 159 F. (2d) 581 (CA-7th). The Court of Appeals there held that the 'excusable neglect' provision of the rule 'covers all judgments, including consent or default judgments, or judgments entered after contest,' adding (*supra*, p. 585):

. . . The required showing of excusable neglect should perhaps be more exacting in the case of a consent judgment, but we see no reason why the rule should not be applied to all judgments. The language of the rule does not restrict it, and reason, which is apparent in this case, suggests the wisdom of the inclusive construction of the rule. . . .

"In support of this determination the Court of Appeals cited numerous authorities, not including, however, *Swift v. United States*, 276 U. S. 311, a case which I submit with all due deference is to the contrary and controlling.

"In *Swift v. United States*, *supra*, p. 324, the court said:

. . . Decrees entered by consent have been reviewed upon appeal or bill of review where there was claim of lack of actual consent to the decree as entered, *Pacific R. R. Co. v. Ketchum*, 101 U. S. 289, 295; *White v. Joyce*, 158 U. S. 128, 147; or of fraud in its procurement, *Thompson v. Maxwell Land Grant Co.*, 168 U. S. 451; or that there was lack of federal jurisdiction because of the citizenship of the parties, *Pacific R. R. Co. v. Ketchum*, *supra*. Compare *Fraenkl v. Cerecedo*, 216 U. S. 295. But "a decree, which appears by the record to have been rendered by consent, is always affirmed, without considering the merits of the cause." *Nashville, Chattanooga and St. Louis Ry. Co. v. United States*, 113 U. S. 261, 266. Compare *United States v. Babbitt*, 104 U. S. 767; *McGowan v. Parish*, 237 U. S. 285, 295. . . .

"The Supreme Court has never changed or departed from the rule of law as hereinbefore quoted.

"Several additional quotations from the court's holding in *Swift v. United States*, *supra*, are enlightening;

. . . Moreover, the objection is one which is not open on a motion to vacate. The court had jurisdiction both of the general subject matter—enforcement of the Anti-Trust Act—and of the parties. If it erred in deciding that there was a case or controversy, the error is one which could have been corrected only by an appeal or by a bill of review. Compare *Pacific R. R. Co. v. Ketchum*, 101 U. S. 289, 297. On a motion to vacate, the determination by the Supreme Court of the District that a case or controversy existed is not open to attack. . . . [Citing] [276 U. S. at p. 326].

And,

. . . If the court erred in finding in these allegations a basis for fear of future wrong sufficient to warrant an injunction, its error was of a character ordinarily remediable on appeal. Such an error is waived by the consent to the decree. *United States v. Babbitt*, 104 U. S. 767; *McGowan v. Parish*, 237 U. S. 285, 295. Clearly it does not go to the power of the court to adjudicate between the parties. *Voorhees v. Bank of the United States*, 10 Pet. 449; *Cooper v. Reynolds*, 10 Wall. 308; *Christianson v. King County*, 239 U. S. 356, 372. [276 U. S. at p. 327].

And,

Moreover, the defendants by their consent lost the opportunity of raising the question on appeal. Obviously the generality of a court's decree does not render it subject to a motion to vacate. [276 U. S. at p. 328].

And,

. . . the court had jurisdiction of the subject matter and of the parties. And even gross error in the decree would not render it void. Compare *Ex Parte Watkins*, 3 Pet. 193; *Ex Parte Parks*, 93 U. S. 18; *In Re Coy*, 127 U. S. 731, 756. [276 U. S. at p. 330].

And,

It is contended that the decree is void because the injunction is not limited to acts in interstate commerce. This objection is in essence like the two preceding ones. . . . Again, the argument fails to distinguish an error in decision from the want of power to decide. The allegations of a conspiracy to obstruct interstate commerce brought the case within the jurisdiction of the court. (Citing) If the court, in addition to enjoining acts that were admittedly interstate, enjoined some that were wholly intrastate and in no way related to the conspiracy to obstruct interstate commerce, it erred; and had the defendants not waived such error by their consent, they might have had it corrected on appeal. But the error, if any, does not go to the jurisdiction of the court. The power to enjoin includes the power to enjoin too much. Compare *Fauntleroy v. Lum*, 210 U. S. 230. [276 U. S. at pp. 330, 331].

"The Court of Appeals did cite the second *Swift* case, *United States v. Swift*, 286 U. S. 106, but nothing in the opinion in that case changed the rule of law announced in *United States v. Swift*, 276 U. S. 311. In fact, in the second *Swift* case the Supreme Court stated:

. . . they chose to consent, and the injunction, right or wrong, became the judgment of the court. . . . [286 U. S. at p. 117].

And,

. . . The difficulty of ferreting out these evils and repressing them when discovered supplies an additional reason why we should leave the defendants where we find them, especially since the place we find them is the one where they agreed to be. [286 U. S. at p. 119].

And,

. . . Wisely or unwisely, they submitted to these restraints upon the exercise of powers that would normally be theirs. They chose to renounce what they might otherwise have claimed and the decree of a court confirmed the renunciation and placed it beyond recall. [286 U. S. at p. 119].

"In *Walling v. Miller*, 138 F. (2d.) 629, cert. den. 321 U. S. 784, the Court of Appeals of the Eighth Circuit had occasion to give extended consideration to the question and stated (at p. 631):

The law is that a decree entered by consent may be reviewed upon appeal or bill of review where there is a claim of lack of actual consent to the decree as entered; or of fraud in its procurement; or that there was lack of federal jurisdiction. But "a decree, which appears by the record to have been rendered by consent is always affirmed, without considering the merits of the cause." All errors going to the merits and remediable on appeal are waived by consent to the decree. If the court entering the decree had jurisdiction both of the general subject matter and of the parties, any objection to the merits is reviewable on appeal and is not open on a motion to vacate. *Swift and Co. v. United States*, 276 U. S. 211.

One reason for the rule is obvious. A court which, having jurisdiction of the parties and of the subject matter, renders a consent decree, if it sustains a motion by one of the parties to vacate such decree, not only sanctions the breach of the contract but in effect becomes a party to the breach. On the other hand, if the court lacks power to adjudicate such a cause of action in the first instance, it lacks power also to sanction a stipulation of settlement by entering a consent decree.

There is no claim here that the parties were not competent to contract; or that there was lack of consent; or that there was fraud in the procurement of the decree. Neither can it be doubted that the court

at the time the decree was entered had general jurisdiction of the subject matter and of the parties. The court so found and no appeal was taken by the defendants from that finding.

"Each of the decrees now being considered sets forth the consent thereto by claimant. The name of claimant's counsel appears at the foot of each decree as further evidence of such consent. In addition, claimant executed two \$5,000.00 bonds, wherein M. W. Miller Company is principal and M. W. Miller is the surety, and each of which refers to the decree in express terms and is conditioned upon the performance of all the terms and conditions thereof. In spite of the consents thus affirmatively appearing in the record, claimant now seeks to vacate the decrees and asks for a trial on the merits on facts which existed at the time the decrees were entered. By its consent the claimant fully waived, rightly or wrongly, its right to have such a trial. In addition, the decrees themselves constitute judicial acts which have the same dignity, force, finality and effect of all other judgments. They create 'an estoppel, merger or bar' (*Bullard v. Commissioner of Internal Revenue*, 7 Cir. 90 F. (2d) 144, 147), precluding the claimant from attacking the provisions of the decrees since the court had jurisdiction of the subject matter and of the parties. This conclusion is not impaired by the provisions of Rule 60 (b) as amended, or its provisions prior to its amendment. The rule has to do with practice, as is clearly stated in the Report of the Advisory Committee (5 F. R. D. 479) ;

It should be noted that Rule 60 (b) does not assume to define the substantive law as to the grounds for vacating judgments, but merely prescribes the practice in proceedings to obtain relief.

"For the reasons hereinbefore stated, it follows that the motions of claimant to vacate must be denied. But if that were not the case, upon the showing made I have concluded that claimant has not established 'excusable neglect' and, in the exercise of the discretion vested in me,¹ the motions to vacate would have to be denied.

"There remains for consideration the claimant's motions that the time for bringing the condemned articles involved into compliance with the law be further extended. To these motions the government interposes no objection, and consents that the claimant be allowed a reasonable extension of time for this purpose. Claimant's motions in this behalf will be allowed and appropriate amendments to the decrees will be entered extending the time for bringing the articles involved into compliance with the law to March 1, 1949, the same, however, to include a provision that proper action to this end, as provided in the decrees, be undertaken by claimant without delay and continued until completion without avoidable interruption.

"The United States Attorney will draft and present for entry the necessary orders and amendments in conformity with this opinion."

After 55 drums of the product were found fit for human consumption and released, the claimant filed motions for the release of an additional 45 barrels and 200 cans of the product.

On April 11, 1950, the court ordered the Food and Drug Administration to retest the remaining barrels and cans of the product at the claimant's expense. As a result, 29 additional barrels of the product were released and 28 were destroyed on June 30, 1950. On November 1, 1950, a motion was filed by the Government for the destruction of the cans of the product since the claimant had not brought the article into compliance with the law in accordance with the terms of the decree. Subsequently, 310 cans of the 1,600 which had been seized were released and the remainder were destroyed. On July 2, 1951, the court ordered the proceedings terminated and the bond discharged.

VEGETABLES AND VEGETABLE PRODUCTS

17980. Misbranding of canned mushrooms. U. S. v. 198 cases * * *.
(F. D. C. No. 31521. Sample No. 28352-L.)

¹ *Ira S. Bushey and Sons, Inc., v. W. E. Hedger Transp. Corp.*, 167 F. (2d) 9, 19, cert. den. Oct. 11, 1948; *W. E. Hedger Transp. Corp. v. Ira S. Bushey and Sons, Inc.*, 155 F. (2d) 321, 324 cert. den. 329; U. S. 735; *Western Union Telegraph Co. v. Dis-mang*, 106 F. (2d) 362, 364; *Bowles v. Brunick*, 66 F. Supp. 557, 558.

LIBEL FILED: September 14, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about March 21, 1951, by the Metropolitan Pool Car Associates, from New York, N. Y.

PRODUCT: 198 cases, each containing 24 cans, of mushrooms at San Francisco, Calif.

LABEL, IN PART: (Can) "Valley Bloom Brand Chopped Mushrooms Drained Weight Of Mushrooms 8 Oz. Avoir-Metric Equiv. 226 Grams."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Drained Weight Of Mushrooms 8 Oz. Avoir-Metric Equiv. 226 Grams" was false and misleading as applied to an article, the drained weight of which was less than 8 ounces avoirdupois.

DISPOSITION: November 23, 1951. Pacific Coast Merchandise Co., Inc., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17981. Adulteration of canned sauerkraut. U. S. v. 198 Cases * * *. (F. D. C. No. 31488. Sample No. 6917-L.)

LIBEL FILED: August 21, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 11, 1951, by the Crawford Sauerkraut Co., from Canandaigua, N. Y.

PRODUCT: 198 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Altoona, Pa.

LABEL, IN PART: (Can) "A & P Sauerkraut Grade A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, maggots, and other insects, and insect eggs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 1, 1951. Default decree of condemnation and destruction.

17982. Adulteration of canned spinach. U. S. v. 199 cases * * * (and 1 other seizure action). (F. D. C. Nos. 31596, 31646. Sample Nos. 28380-L, 28553-L.)

LIBELS FILED: August 9 and 29, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 20 and 31, 1951, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 397 cases, each containing 24 1-pound, 11-ounce (or 2-ounce) cans, of spinach at Boston and Somerville, Mass.

LABEL, IN PART: (Can) "A & P Young Tender Spinach Grade A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids and other insects.

DISPOSITION: November 19, 1951. Default decrees of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

17983. Misbranding of canned tomatoes. U. S. v. Jaqua Co., Inc. Plea of guilty.
Fine, \$300. (F. D. C. No. 31084. Sample Nos. 70494-K, 85338-K, 91505-K.)

INFORMATION FILED: May 4, 1951, Southern District of Ohio, against Jaqua Co., Inc., Ansonia, Ohio.

ALLEGED SHIPMENT: On or about September 5, 11, and 22, 1950, from the State of Ohio into the States of Kansas, Wisconsin, and Minnesota.

LABEL, IN PART: (Can) "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y. Distributors," " 'K' Quality * * * Tomatoes A. Kickbusch Grocery Co. - Distributors, - Wausau, Wis.," or "Jaqua Tomatoes Packed By The Jaqua Company Winchester, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (h), the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear a statement that it fell below the standard; and, Section 403 (a), (Iona Brand) the statement "Standard Quality" on the label was false and misleading since the product was not of standard quality.

DISPOSITION: May 24, 1951. A plea of guilty having been entered, the court fined the defendant \$300.

17984. Adulteration and misbranding of canned tomatoes. U. S. v. 98 Cases
*** * *. (F. D. C. No. 31456. Sample No. 24793-L.)**

LIBEL FILED: August 6, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 25, 1951, by the Earle Le Gates Co., from Tanyard, Md.

PRODUCT: 98 cases, each containing 24 1-pound, 11-ounce cans, of tomatoes at Scranton, Pa.

LABEL, IN PART: (Can) "Kent Farms [or "Pine Cone Brand"] Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes in the definition and standard.

DISPOSITION: November 5, 1951. The Earle Le Gates Co., Preston, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to the claimant for the purpose of donation to charity in Preston, Md. On December 6, 1951, an amended decree was entered providing for the release of the product to a local charity in the Middle District of Pennsylvania.

17985. Adulteration of tomato paste. U. S. v. 300 Cases * * *. Tried to the court. Decision for the Government. Decree of condemnation.
(F. D. C. No. 31460. Sample Nos. 29606-L, 29607-L.)

LIBEL FILED: August 10, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about May 21, 1951, from New York, N. Y.

PRODUCT: 300 cases, each containing 10 cans, of tomato paste at Tacoma, Wash.

LABEL, IN PART: (Can) "Tomato Paste Made in Hungary 160½ Oz. Net Golden Pheasant."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material. The article was examined while it was held for sale after shipment in interstate commerce and was found to be adulterated.

DISPOSITION: Nalley's Inc., Tacoma, Wash., claimant, filed an answer admitting the interstate shipment but alleging that it was without knowledge or information sufficient to form a belief as to whether the product was adulterated, and denying that the product was subject to seizure and condemnation.

The case came on for trial before the court without a jury on November 14, 1951. At the conclusion of the trial, during which evidence was offered by the Government and no evidence was offered by the claimant, the court, on November 16, 1951, handed down its findings of fact and conclusions of law in favor of the Government. On the same date, the court entered a decree of condemnation and destruction. The product subsequently was delivered to a Federal penitentiary, for use as animal feed.

17986. Adulteration of tomato paste. U. S. v. 33 Cases * * *. (F. D. C. No. 31486. Sample No. 28361-L.)

LIBEL FILED: August 21, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about May 2, 1951, by B. Dorman & Sons, from New York, N. Y.

PRODUCT: 33 cases, each containing 10 10-pound, 2-ounce cans, of tomato paste at Oakland, Calif.

LABEL, IN PART: (Can) "Halisco Concentrated Tomato Paste Product of France."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 8, 1951. Default decree of condemnation and destruction.

MEAT AND POULTRY

17987. Adulteration of cow meat. U. S. v. Approximately 26,261 Pounds * * *. (F. D. C. No. 31464. Sample No. 31473-L.)

LIBEL FILED: On or about August 22, 1951, Northern District of Texas.

ALLEGED SHIPMENT: On or about July 21, 1951, by the Borin Packing Co., from Vernon, Tex., to St. Louis, Mo.; thereafter, on or about July 30, 1951, to Dallas, Tex.; and thereafter, on or about August 10, 1951, to Vernon, Tex.

PRODUCT: Approximately 26,261 pounds of cow meat in 241 boxes at Vernon, Tex.

LABEL, IN PART: "BNLS Cow Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance, and it was otherwise unfit for food.

DISPOSITION: August 25, 1951. Aaron Borin, trading as the Borin Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of any portion that might be fit for human consumption from

the unfit portion, under the supervision of the Meat Inspection Division of the Department of Agriculture and the Food and Drug Administration. The entire product was found unfit for human food and was denatured for use as animal feed.

17988. Adulteration of dressed poultry. U. S. v. 337 Boxes * * *. (F. D. C. No. 30461. Sample No. 89880-K.)

LIBEL FILED: December 28, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about December 16, 1950, by the Canton Produce Co., from Canton, S. Dak.

PRODUCT: 337 boxes, each containing 12 head, of dressed poultry at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and cockroach excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have been contaminated with filth.

DISPOSITION: January 29, 1951. The Lipsman-Fulkerson Co., Omaha, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of bringing it into compliance with the law, under the supervision of the Federal Security Agency.

17989. Adulteration of dressed poultry. U. S. v. 268 Pounds * * *. (F. D. C. No. 31194. Sample No. 24338-L.)

LIBEL FILED: June 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 31, 1951, by the Hillcrest Poultry Co., from Union, Maine.

PRODUCT: 268 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 11, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration, that the fit portion be segregated and delivered to a charitable institution, and that the remainder be destroyed.

17990. Adulteration of dressed poultry. U. S. v. 78 Pounds * * *. (F. D. C. No. 31195. Sample No. 24340-L.)

LIBEL FILED: June 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 1, 1951, by Garrison Kaufman, from Flemington, N. J.

PRODUCT: 78 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 11, 1951. Default decree of condemnation and destruction.

17991. Adulteration of dressed poultry. U. S. v. 71 Pounds * * *. (F. D. C. No. 31198. Sample No. 24341-L.)

LIBEL FILED: June 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 4, 1951, by the Philip Cohen Poultry Co., from Waldoboro, Maine.

PRODUCT: 71 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 24, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. The unfit portion was denatured.

17992. Adulteration of dressed turkeys. U. S. v. Tend-R-Turk, Inc., and Charles E. Rognmoe. Pleas of guilty. Corporation fined \$150, plus costs; individual defendant fined \$10. (F. D. C. No. 31073. Sample Nos. 73157-K, 73168-K.)

INFORMATION FILED: June 20, 1951, Northern District of Iowa, against Tend-R-Turk, Inc., Fort Dodge, Iowa, and Charles E. Rognmoe, manager.

ALLEGED SHIPMENT: On or about November 6 and 30, 1950, from the State of Iowa into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of dressed turkeys that were contaminated with fecal matter; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (a) (5), the article was in part the product of a diseased animal because of the presence of diseased turkeys.

DISPOSITION: June 20, 1951, pleas of guilty having been entered, the court fined the corporation \$150, plus costs, and the individual defendant \$10.

17993. Adulteration of dressed turkeys. U. S. v. 16 Boxes, etc. (F. D. C. No. 31186. Sample No. 4899-L.)

LIBEL FILED: June 7, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 30 and December 7 and 8, 1950, by the Felco Poultry Co., from Porterville, Calif.

PRODUCT: 19 boxes marked with head count, grade, and net weight, and each containing approximately 95 pounds of dressed turkeys at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with excreta, and of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: July 2, 1951. Chamberlain & Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for separation of the fit portion from the unfit, under the supervision of the Federal Security Agency. Segregation operations resulted in the release of 5 boxes, each containing 8 turkeys, as fit for human consumption, and 11 crates, each containing 8 turkeys, as unfit. The unfit turkeys were placed into refuse boxes and denatured.

17994. Adulteration of dressed turkeys. U. S. v. 227 Pounds * * *. (F. D. C. No. 31196. Sample No. 24339-L.)

LIBEL FILED: June 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 20, 1951, by Poultrymen's Coop. of Connecticut, Inc., from Plainfield, Conn.

PRODUCT: 227 pounds of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter, and of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: July 11, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration, that any portion fit for human consumption be delivered to a charitable institution, and that the remainder be destroyed. The product was reexamined, and the entire lot was found unfit for human consumption and was destroyed, with the exception of the sample.

NUTS

17995. Adulteration of unshelled peanuts. U. S. v. 105 Bags * * *.
(F. D. C. No. 31461. Sample No. 30048-L.)

LIBEL FILED: August 15, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about July 26, 1951, from Seattle, Wash.

PRODUCT: 105 95-pound bags of unshelled peanuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts, and of a decomposed substance by reason of the presence of moldy peanuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 25, 1951. Default decree of condemnation and destruction.

17996. Adulteration of pecan pieces. U. S. v. 1 Carton * * *. (F. D. C. No. 31452. Sample No. 35116-L.)

LIBEL FILED: August 3, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about April 21, 1951, by the South Georgia Pecan Shelling Co., from Valdosta, Ga.

PRODUCT: 1 30-pound carton of pecan pieces at Moorhead, Minn.

LABEL, IN PART: "The Pick of the Crop * * * Light Amber Pieces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of rancid nuts.

DISPOSITION: September 28, 1951. Default decree of condemnation. The court ordered that the product be destroyed unless processed and disposed of as animal feed, under the supervision of the Food and Drug Administration.

17997. Adulteration of black walnut kernels. U. S. v. Arthur P. Slaughter (Smoky Mountain Drug Co.). Plea of nolo contendere. Fine, \$250.
(F. D. C. No. 31087. Sample Nos. 95606-K, 95607-K, 25054-L.)

INFORMATION FILED: June 1, 1951, Eastern District of Tennessee, against Arthur P. Slaughter, trading as the Smoky Mountain Drug Co., Bristol, Tenn.

ALLEGED SHIPMENT: On or about December 8 and 11, 1950, and January 5, 1951, from the State of Tennessee into the State of Pennsylvania.

LABEL, IN PART: "Tennessee Valley Blue Grass Brand Black Walnut Kernels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs, feather barbules, cat hair fragments, rodent hair fragments, insect fragments and *E. coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

The information charged also the interstate shipment of adulterated drugs, as reported in notices of judgment on drugs and devices, No. 3666.

DISPOSITION: September 17, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$250 on the counts based on the shipments of an adulterated food. (A fine of \$250 was imposed also on the counts charging the other violations.)

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

17998. Adulteration and misbranding of Special Formula No. 5733-C vitamin capsules. U. S. v. 15,000 Capsules * * *. (F. D. C. No. 31440. Sample No. 34894-L.)

LIBEL FILED: July 18, 1951, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about May 22, 1951, from Baudette, Minn.

PRODUCT: 15,000 Special Formula No. 5733-C vitamin capsules at Eau Claire, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Capsule contains — Vitamin D 250 units" was false and misleading since the article contained substantially less than the declared amount of vitamin D.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 20, 1951. Default decree of condemnation. The court ordered that the product be sold to a charitable institution.

17999. Adulteration and misbranding of vitamin tablets. U. S. v. 8 Bottles, etc. (F. D. C. No. 31171. Sample Nos. 16855-L, 16856-L.)

LIBEL FILED: June 6, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about July 28, 1948, and February 4 and 7, 1949, from Chicago, Ill.

PRODUCT: 8 250-tablet bottles and 8 30-tablet bottles of vitamin B complex and 17 60-tablet bottles of super potency vitamin tablets at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, (B complex tablets) vitamin B₁ and (super potency tablets) vitamins A, B₁, C, and D, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements on the B complex tablets "One tablet daily will supply the following: Vitamin B₁ (Thiamine HCL) (100% MDR) 1 Milligram" and on the super potency tablets "Each tablet contains: Vitamin A (125% MDR) 5000 U.S.P. Units Vitamin B₁ Thiamine HCL, (400% MDR) 4.0 Mgms. * * * Vitamin C (250% MDR) 75.0 Mgms. Vitamin D (125% MDR) 500 U.S.P. Units" were false and misleading since the articles contained less than the stated amounts of the declared vitamins and

*See also No. 17956.

would supply less than the stated percentages of the minimum daily requirements for such vitamins.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 23, 1951. Default decree of condemnation and destruction.

18000. Adulteration and misbranding of Mynex tablets. U. S. v. 82 Boxes
* * *. (F. D. C. No. 31403. Sample No. 18141-L.)

LIBEL FILED: August 3, 1951, District of Arizona.

ALLEGED SHIPMENT: On or about May 2, 1951, by Marlene's, Inc., from Chicago, Ill.

PRODUCT: 82 63-tablet boxes of Mynex tablets at Phoenix, Ariz. Analysis showed that the product contained substantially less than the declared amount of vitamin D.

LABEL, IN PART: "A Dietary Supplement * * * Mynex * * * Each Maroon Tablet Contains: * * * Vitamin D 200 Int. units."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Mynex * * * taken as directed * * * provide the following percentages of the minimum daily requirements: * * * Diastetic Malt Extract 50%" was false and misleading since there is no requirement in human nutrition for diastetic malt extract. Further misbranding, Section 403 (f), the information required by Section 403 (a) to appear on the label, namely, a statement that Mynex tablets would not make one reduce, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, on the label) and in such terms as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since such statement appeared inside the cellophane wrapped box; and in the light of the representations made and suggested for the article, under conditions of use as are customary and usual, such statement should appear upon the immediate container of the article.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3580.

DISPOSITION: September 26, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17951 TO 18000

PRODUCTS			
	N. J. No.		N. J. No.
Bakery product-----	17951	Chickens. See Meat and poultry.	
Bread -----	17951	Cow meat-----	17987
Butter-----	17962, 17963	Dairy products-----	17962-17967
Cereals and cereal products-----		Egg(s), frozen-----	¹ 17968-17970
	17951-17961	liquid -----	¹ 17968
Cheese -----	17964-17966	Enriched flour-----	17956
food, processed-----	17967	Fish and shellfish-----	17971-17975

¹ (17968) Prosecution contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Flour	17952-17956	Rice	17960, 17961
Fruits and vegetables	^{2,3} 17976-17986	Roe, herring, canned	17972, 17973
fruit, canned	17976, 17977	Sauerkraut, canned	17981
frozen	17978, ² 17979	Shellfish. <i>See</i> Fish and shellfish.	
tomatoes and tomato		Shrimp, canned	17974
products	³ 17983-17986	frozen, breaded	17975
vegetables and vegetable		Spaghetti. <i>See</i> Macaroni and	
products	17980-17982	noodle products.	
Herring roe, canned	17972, 17973	Special Formula No. 5733-C	
Macaroni and noodle products		vitamin capsules	17998
	17957-17959	Spinach, canned	17982
Meat and poultry	17987-17994	Strawberries, frozen	17978, ² 17979
Milk powder, dried skim	17962	Tomato(es), canned	17983, 17984
Mushrooms, canned	17980	paste	³ 17985, 17986
Mynex tablets	18000	Turkeys. <i>See</i> Meat and poultry.	
Noodles. <i>See</i> Macaroni and		Vegetables. <i>See</i> Fruits and vege-	
noodle products.		tables.	
Nuts	17995-17997	Vitamin, mineral, and other prod-	
Peaches, canned	17976	ucts of special dietary sig-	
Peanuts, unshelled	17995	nificance	17956, 17998-18000
Pecan pieces	17996	Walnut kernels, black	17997
Pineapple, crushed, canned	17977	Whiting, frozen	17971
Poultry. <i>See</i> Meat and poultry.			

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allied Egg Products Co.:		Felco Poultry Co.:	
frozen eggs	17969	dressed turkeys	17993
Borin Packing Co.:		Flotill Products, Inc.:	
cow meat	17987	canned spinach	17982
Burlington Grocery Co.:		Galioto Brothers & Co.:	
flour	17952	spaghetti	17959
Canton Produce Co.:		General Freezer & Storage Co.:	
dressed poultry	17988	frozen whiting	17971
Cape King Fisheries, Inc.:		Golden Grain Macaroni Co.:	
canned herring roe	17972, 17973	macaroni	17957
Central Farm Products Co.:		Great Atlantic & Pacific Tea Co.:	
butter and dried skim milk		canned tomatoes	17983
powder	17962	Hillcrest Poultry Co.:	
Central Milling Co.:		dressed poultry	17989
enriched flour	17956	Hoelscher Creamery & Dairy:	
Cohen, Philip, Poultry Co.:		butter	17963
dressed poultry	17991	Jaqua Co., Inc.:	
Crawford Sauerkraut Co.:		canned tomatoes	17983
canned sauerkraut	17981	Kaufman, Garrison:	
Cudahy Packing Co.:		dressed poultry	17990
cheese	17966	Kickbusch, A., Grocery Co.:	
Dorman, B., & Sons:		canned tomatoes	17983
tomato paste	17986		

² (17979) Seizure contested. Contains opinion of the court.³ (17985) Seizure contested.

	N. J. No.		N. J. No.
Knudsen, Edwin:		Poultrymen's Coop. of Connecti-	
butter and dried skim milk		cut, Inc.:	
powder-----	17962	dressed turkeys-----	17994
Korol, I. C.:		Prime, J. A.:	
frozen eggs and liquid eggs--- ¹	17968	frozen strawberries-----	17978
Korol Egg Co. <i>See</i> Korol, I. C.		Prime Canning Co. <i>See</i> Prime,	
Le Gates, Earle, Co.:		J. A.	
canned tomatoes-----	17984	Rognmoe, C. E.:	
McKown-Liston Packing Co.:		dressed turkeys-----	17992
frozen breaded shrimp-----	17975	Slaughter, A. P.:	
Marlene's, Inc.:		black walnut kernels-----	17997
Mynex tablets-----	18000	Smoky Mountain Drug Co. <i>See</i>	
Mendon, G. E.:		Slaughter, A. P.	
bread-----	17951	South Georgia Pecan Shelling	
Metropolitan Pool Car Asso-		Co.:	
ciates:		pecan pieces-----	17996
canned mushrooms-----	17980	Swanson, C. A., & Sons:	
Miller, M. W., & Co.:		frozen eggs-----	17970
frozen strawberries----- ²	17979	Tend-R-Turk, Inc.:	
Monticello Canning Co.:		dressed turkeys-----	17992
canned peaches-----	17976	Wilson Egg Corp.:	
Pfaff Baking Co.:		frozen eggs-----	17969
bread-----	17951		

¹ (17968) Prosecution contested. Contains opinion of the court.

² (17979) Seizure contested. Contains opinion of the court.



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

*Order from the Superintendent of Documents, United States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18001-18050

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 9, 1952.*

CONTENTS

	Page		Page
Cereals and cereal products.....	2	Fruits and vegetables—Continued	
Flour.....	2	Miscellaneous fruit products....	11
Miscellaneous cereals and cereal		Vegetables.....	13
products.....	3	Tomatoes and tomato products..	14
Dairy products.....	4	Nuts and nut products.....	15
Butter.....	4	Oils and fats.....	16
Eggs.....	6	Oleomargarine.....	17
Feed.....	7	Poultry.....	18
Fish and shellfish.....	7	Spices, flavors, and seasoning mate-	
Fruits and vegetables.....	9	rials.....	18
Canned fruit.....	9	Index.....	19
Fresh fruit.....	10		

CEREALS AND CEREAL PRODUCTS**FLOUR**

18001. Adulteration of flour. U. S. v. 312 Bags * * * (and 2 other seizure actions). (F. D. C. No. 31758. Sample Nos. 22015-L to 22017-L, incl., 22111-L to 22114-L, incl.)

LIBELS FILED: October 4, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 19, 1950, and June 1 and 8, July 25, and August 10, 1951, from Wichita Falls, Tex., Fort Worth, Tex., and Greenville, Tex.

PRODUCT: 9 50-pound bags, 334 25-pound bags, and 161 10-pound bags of flour at Baton Rouge, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. Default decrees of condemnation and destruction.

18002. Adulteration of flour. U. S. v. 36 Bags, etc. (F. D. C. No. 31768. Sample Nos. 1043-L to 1048-L, incl.)

LIBEL FILED: October 16, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 4, 9, 17, 20, and 28, 1951, from Alton, Ill.

PRODUCT: 320 100-pound bags of flour at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 21, 1951. Clark & Lewis Co., Jacksonville, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

18003. Adulteration of flour. U. S. v. 296 Bags * * *. (F. D. C. No. 31740. Sample No. 1444-L.)

LIBEL FILED: On or about October 2, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 18, 1951, from Wichita Falls, Tex.

PRODUCT: 296 25-pound bags of flour at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed in lieu of destruction.

18004. Adulteration of flour. U. S. v. 65 Bags, etc. (F. D. C. No. 31787. Sample Nos. 1051-L to 1056-L, incl.)

LIBEL FILED: October 16, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about January 6, July 26, and August 6, 21, and 28, 1951, from Enid, Okla., Louisville, Ky., Alton, Ill., and Springfield, Ill.

PRODUCT: 65 50-pound bags and 90 100-pound bags of flour at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 21, 1951. Clark & Lewis Co., Jacksonville, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

18005. Adulteration of flour. U. S. v. 64 Bags * * * (and 1 other seizure action). (F. D. C. No. 31757. Sample Nos. 22115-L to 22118-L, incl.)

LIBELS FILED: October 4, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 25, August 29, and September 15, 1951, from Louisville, Ky., and Springfield, Ill.

PRODUCT: 99 100-pound bags of flour at Baton Rouge, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. Default decrees of condemnation and destruction.

18006. Adulteration of flour. U. S. v. 10 Bags * * *. (F. D. C. No. 31778. Sample No. 1118-L.)

LIBEL FILED: October 10, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 21, 1951, from Enid, Okla.

PRODUCT: 10 100-pound bags of flour at Tampa, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

18007. Adulteration of corn grits and rice. U. S. v. 81 Bags, etc. (F. D. C. No. 31730. Sample Nos. 5707-L, 5708-L.)

LIBEL FILED: September 20, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 6 and August 2, 1951, from Wilkes-Barre, Pa., and Eunice, La.

PRODUCT: 81 100-pound bags of corn grits and 361 100-pound bags of rice at Worcester, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 16, 1951. The Worcester Brewing Co., Worcester, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

18008. Adulteration of rice. U. S. v. 48 Bales * * *. (F. D. C. No. 31714. Sample No. 1440-L.)

LIBEL FILED: On or about September 24, 1951, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about April 27, 1951, from Stuttgart, Ark.

PRODUCT: 48 bales, each containing 20 3-pound packages, of rice at Charleston, S. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

18009. Adulteration of malt and wheat flakes. U. S. v. 1,500 Bushels, etc. (F. D. C. No. 31716. Sample Nos. 5926-L, 5927-L.)

LIBEL FILED: On or about September 25, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about July 10 and 26, 1951, from Buffalo, N. Y., and Miners Mills, Pa.

PRODUCT: 1,500 bushels of malt and 65 100-pound bags of wheat flakes at Providence, R. I.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects in the malt, and rodent excreta, rodent urine, and insects in the wheat flakes. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 8, 1951. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of a filthy or decomposed substance, **No. 18010**; that was below the legal standard for milk fat content, **Nos. 18011 and 18012**; and that was short of the declared weight, **No. 18013**.

18010. Adulteration of butter. U. S. v. 116 Boxes (3,712 pounds) * * *.
(F. D. C. No. 31703. Sample Nos. 9543-L, 19098-L.)

LIBEL FILED: June 27, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 6, 1951, by the Wanda Cooperative Creamery Assn., from Wanda, Minn.

PRODUCT: 116 boxes, each containing 32 1-pound prints, of butter at Chicago, Ill.

RESULTS OF INVESTIGATION: The article was shipped in 59 64-pound cartons. It subsequently was repackaged into 160 boxes, each containing 32 1-pound prints.

LABEL, IN PART: (Cartons) "Creamery Butter Distributed By H. C. Christians Co. Chicago, Ill."; (prints) "Hollybrook Brand Creamery Butter Distributed by H. C. Christians Co., Johnson Creek, Wis."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance because of the presence of insect fragments, manure fragments, and rodent hair fragments, and because it was prepared from filthy cream; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 24, 1951. The Wanda Cooperative Creamery Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into soap stock, under the supervision of the Federal Security Agency.

18011. Adulteration of butter. U. S. v. 30 Boxes * * *. (F. D. C. No. 31696.
Sample No. 19118-L.)

LIBEL FILED: August 9, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 2, 1951, by the Bridgeman-Russell Co., from Duluth, Minn.

PRODUCT: 30 boxes, each containing 54 pounds, of butter at Springfield, Mass.

LABEL, IN PART: "Manufactured by Minot Creamery Company, Minot, North Dakota."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 12, 1951. The Bridgeman-Russell Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

18012. Adulteration of butter. U. S. v. 1,000 Pounds * * *. (F. D. C. No. 31704. Sample Nos. 25631-L, 25633-L.)

LIBEL FILED: July 11, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 21, 1951, from Annandale, Minn.

PRODUCT: 1,000 pounds of butter at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 19, 1951. The New York Creamery Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

18013. Misbranding of butter. U. S. v. 109 Prints (approximately 109 pounds)
* * *. (F. D. C. No. 31695. Sample No. 5795-L.)

LIBEL FILED: August 17, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 13, 1951, by the Beatrice Foods Co., from Champaign, Ill.

PRODUCT: 109 prints of butter at Worcester, Mass.

LABEL, IN PART: (Wrapper on prints) "One Pound Net Weight Meadow Gold Butter Distributed by Beatrice Foods Co. * * * Chicago, Illinois."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package of the article did not bear an accurate statement of the quantity of the contents since the statement "One Pound Net Weight" was incorrect. (Examination of the article showed that it was short of the declared weight.)

DISPOSITION: September 24, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

EGGS

18014. Adulteration of frozen eggs. U. S. v. 474 Cans * * *. (F. D. C. No. 31753. Sample No. 8825-L.)

LIBEL FILED: October 2, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 22, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 474 30-pound cans of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: October 29, 1951. Saul Stone & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 420 cans of the product were segregated and denatured as unfit.

18015. Adulteration of frozen eggs. U. S. v. 308 Cans * * *. (F. D. C. No. 31743. Sample No. 2981-L.)

LIBEL FILED: October 4, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 17, 1951, by Sherman White & Co., from Fort Wayne, Ind.

PRODUCT: 308 30-pound cans of frozen eggs at Norfolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: November 5, 1951. Miles Friedman, Inc., Norfolk, Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation, under the supervision of the Federal Security Agency. A total of 86 cans of the product were segregated as unfit and were denatured for use as animal feed.

18016. Adulteration of frozen eggs. U. S. v. 16 Cans * * *. (F. D. C. No. 31729. Sample No. 5876-L.)

LIBEL FILED: On or about September 25, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 8 and 11, 1951, by the Delicious Egg Co., from Fall River, Mass.

PRODUCT: 16 30-pound cans of frozen eggs at Providence, R. I.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: October 19, 1951. Default decree of condemnation and destruction.

FEED

18017. Misbranding of dairy feed. U. S. v. 20 Bags * * *. (F. D. C. No. 29402. Sample No. 39378-K.)

LIBEL FILED: July 19, 1950, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about June 1, 1950, by Gwinn Brothers & Co., from Huntington, W. Va.

PRODUCT: 20 100-pound bags of dairy feed at Winchester, Ky.

LABEL, IN PART: (Bag) "Banner 16 percent Dairy Feed Guaranteed Analysis Protein, not less than 16 percent Fat, not less than 3 percent Fiber, not more than 15 percent."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Guaranteed Analysis Protein, not less than 16 percent Fat, not less than 3 percent Fiber, not more than 15 percent" was false and misleading since the product contained less protein and fat and more fiber than declared by the label statement.

DISPOSITION: August 18, 1950. Default decree of condemnation. The court ordered that the product be sold to the highest bidder for use in stock feeding, conditioned that the purchaser file a bond to insure that it would be fed only to stock under his care.

FISH AND SHELLFISH

18018. Adulteration of frozen flounder. U. S. v. 58 Boxes * * *. (F. D. C. No. 31717. Sample No. 23229-L.)

LIBEL FILED: September 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1951, by Cornman & Baggs, Inc., from Boston, Mass.

PRODUCT: 58 15-pound boxes of frozen flounder at New York, N. Y.

LABEL, IN PART: "Fresh Flounders * * * Marque Clare Brand Product of Canada."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: October 17, 1951. Default decree of condemnation and destruction.

18019. Misbranding of canned tuna. U. S. v. 57 Cans * * * (and 2 other seizure actions). (F. D. C. Nos. 31775 to 31777, incl. Sample Nos. 3148-L to 3150-L, incl.)

LIBELS FILED: October 9, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about August 9, 21, and 24, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 57 cans and 17 cases, each case containing 48 cans, of tuna at Washington, D. C.

LABEL, IN PART: (Can) "Cape King light meat Tuna Contents 13 [or "12½"] Oz. Avd."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statements "Contents 13 Oz. Avd." and "Contents 12½ Oz. Avd." were inaccurate. (Examination showed that the product was short of the declared weight.)

DISPOSITION: November 15, 1951. Default decrees of condemnation. The court ordered that the product be delivered to a public institution for its use and not for sale.

18020. Adulteration of canned chopped clams. U. S. v. 497 Cases * * *. (F. D. C. No. 31504. Sample Nos. 29499-L, 29500-L.)

LABEL FILED: September 4, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about July 16, 1951, by the Iwersen Canning Co., from Cape May, N. J.

PRODUCT: 497 cases, each containing 12 51-ounce cans, of chopped clams at Seattle, Wash. *

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed clams.

DISPOSITION: September 19, 1951. The Iwersen Canning Co., Point Roberts, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. 7 cases of the product were found to be unfit and were destroyed.

18021. Adulteration of canned lobster meat. U. S. v. 276 Cans * * *. (F. D. C. No. 31746. Sample Nos. 23753-L, 36911-L.)

LABEL FILED: October 1, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about July 16, 1951, from New York, N. Y.

PRODUCT: 276 14-ounce cans of lobster meat at New Haven, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of de-

composed lobster meat. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 27, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18022. Misbranding of canned peaches. U. S. v. 399 Cases * * *. (F. D. C. No. 31780. Sample No. 28037-L.)

LIBEL FILED: October 10, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 28, 1951, by the Pacific Grape Products Co., from Modesto, Calif.

PRODUCT: 399 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Boston, Mass.

LABEL, IN PART: (Can) "Dainty Pak Brand * * * Elberta Yellow Free Peach Halves. In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article contained peach halves that were so trimmed as not to preserve their normal shape, and more than 5 percent of the peach halves in the container of the article were crushed or broken; and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: January 3, 1952. The Pacific Grape Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18023. Misbranding of canned peaches. U. S. v. 199 Cases, etc. (F. D. C. Nos. 31752, 31754. Sample Nos. 11689-L, 11710-L.)

LIBEL FILED: October 8, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 4, 1951, by Markham Brothers & Co., from Fort Valley, Ga.

PRODUCT: 370 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Lexington, Ky.

LABEL, IN PART: (Can) "Pride of Georgia Yellow Freestone Halves Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article failed to meet the test for tenderness prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 8, 1951. Markham Brothers & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18024. Misbranding of canned peaches. U. S. v. 279 Cases * * *. (F. D. C. No. 31713. Sample No. 1038-L.)

LIBEL FILED: September 21, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 3, 1951, by the Cherokee Products Co., from Haddock, Ga.

PRODUCT: 279 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Jacksonville, Fla.

LABEL, IN PART: (Can) "O'sage Brand * * * Yellow Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves since the article failed to meet the test for tenderness prescribed by the standard, and the weight of the largest unit in the container of the article was more than twice the weight of the smallest unit; and all units of the article were not untrimmed, or so trimmed as to preserve their normal shape, and the label of the article failed to bear a statement that the article fell below the standard.

DISPOSITION: October 26, 1951. The Cherokee Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

FRESH FRUIT

18025. Adulteration of fresh blueberries. U. S. v. 60 Crates * * *. (F. D. C. No. 31702. Sample No. 25672-L.)

LIBEL FILED: July 25, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 23, 1951, by the Blueberry Cooperative Assn., from New Lisbon, N. J.

PRODUCT: 60 crates, each containing 12 1-pint boxes, of fresh blueberries at Philadelphia, Pa.

LABEL, IN PART: (Box) "Tru-Blu-Berries Harvest Moon Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article was infested with maggots.)

DISPOSITION: August 6, 1951. Default decree of condemnation and destruction.

18026. Adulteration of fresh blueberries. U. S. v. 4 Crates * * * (and 1 other seizure action). (F. D. C. Nos. 31697, 31698. Sample Nos. 5620-L, 5621-L.)

LIBELS FILED: August 15, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 10, 1951, by Alfred G. Wuori, from Waldoboro, Maine.

PRODUCT: 9 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

DISPOSITION: September 17, 1951. Default decrees of condemnation and destruction.

18027. Adulteration of fresh blueberries. U. S. v. 6 Crates * * *. (F. D. C. No. 31700. Sample No. 5915-L.)

LIBEL FILED: August 15, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 13, 1951, by A. V. Taylor, from Harrington, Maine.

PRODUCT: 6 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

LABEL, IN PART: "Washington County's Pride Maine Blueberries Packed Expressly for Charles Taylor & Son, Inc., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

DISPOSITION: September 17, 1951. Default decree of condemnation and destruction.

18028. Adulteration of fresh blueberries. U. S. v. 5 Crates * * *. (F. D. C. No. 31699. Sample No. 5623-L.)

LIBEL FILED: August 15, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 13, 1951, by Matti Saari, from Warren, Maine.

PRODUCT: 5 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

LABEL, IN PART: "Winn, Ricker & Co. * * * Boston From Matti Saari * * * Waldoboro Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

DISPOSITION: September 17, 1951. Default decree of condemnation and destruction.

18029. Adulteration of fresh blueberries. U. S. v. 3 Crates * * *. (F. D. C. No. 31701. Sample No. 5922-L.)

LIBEL FILED: August 17, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 15, 1951, by Leo Lampinen, from Troy, N. H.

PRODUCT: 3 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

LABEL, IN PART: "Berries Adams Chapman Co. * * * From Leo Lampinen * * * Troy, N. H."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

DISPOSITION: September 17, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS FRUIT PRODUCTS

18030. Adulteration and misbranding of apple butter. U. S. v. 139 Cases * * *. (F. D. C. No. 30800. Sample No. 31658-L.)

LIBEL FILED: March 5, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 1, 1951, by the Underwriters Salvage Co., from Louisville, Ky.

PRODUCT: 139 cases, each containing 24 jars, of apple butter at Springfield, Ill.

LABEL, IN PART: (Jar) "Goeglain's Old Fashioned Apple Butter Net Weight 1 Lb. 3 Oz. Packed by Goeglain Mill, Fort Wayne, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing less than 43 percent of soluble solids had been substituted for apple butter.

Misbranding, Section 403 (e) (2), the article was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the jars contained less than the declared weight; and, Section 403 (g) (1), the article failed to comply with the definition and standard of identity for apple butter since the soluble-solids content of the article was less than 43 percent, the minimum permitted by the definition and standard.

DISPOSITION: October 12, 1951. The National Salvage Co., Springfield, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

18031. Adulteration of strawberry puree. U. S. v. 595 Cans, etc. (F. D. C. No. 31446. Sample Nos. 9988-L to 9990-L, incl.)

LABEL FILED: July 24, 1951, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 26, 27, and 28, 1951, by the Honee Bear Syrup & Preserving Co., from Lawton, Mich.

PRODUCT: 2,171 30-pound cans of strawberry puree at Milwaukee, Wis.

LABEL, IN PART: "Puree Strawberries 4 A 1."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

18032. Adulteration and misbranding of strawberry fruit spread. U. S. v. 209 Cases * * *. (F. D. C. No. 31767. Sample No. 17113-L.)

LABEL FILED: October 8, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about June 12, 1951, by Leverton & Co., from Houston, Tex.

PRODUCT: 209 cases, each containing 24 12-ounce jars, of strawberry fruit spread at Los Angeles, Calif.

LABEL, IN PART: (Jar) "Purefruit Brand * * * Strawberry Fruit Spread."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, strawberries, had been in part omitted from the article; and, Section 402 (b) (4), artificial color and pectin had been added to the article and mixed and packed with it so as to make it appear to be strawberry jam, which is better and of greater value than the article.

Misbranding, Section 403 (g) (1), the article purported to be strawberry jam, and it failed to conform to the definition and standard of identity for strawberry jam since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient, strawberries, to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard; and the soluble-solids content of the article was less than 68 per-

cent, the minimum permitted by the standard; and, further, the article contained artificial color, which is not permitted as an ingredient of strawberry jam in the definition and standard.

DISPOSITION: January 18, 1952. Leverton & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

VEGETABLES

18033. Adulteration of dried fava beans. U. S. v. 78 Bags * * * (and 2 other seizure actions). (F. D. C. Nos. 31769, 31770, 31785. Sample Nos. 24063-L to 24065-L, incl.)

LIBELS FILED: October 15 and 16, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 17 and 19, 1951, from Bari, Italy.

PRODUCT: 302 bags, each containing 49 kilograms, of dried fava beans at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 14, 1951. Default decrees of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

18034. Adulteration of canned beets, dried black-eyed peas, and dried kidney beans. U. S. v. 79 Cases, etc. (F. D. C. No. 31737. Sample Nos. 20852-L, 20853-L, 20944-L, 20945-L.)

LIBEL FILED: October 1, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about February 13 and November 17, 1950, and July 10, 1951, from Harlingen and Jefferson, Tex., and Perry, N. Y.

PRODUCT: 79 cases, each containing 24 No. 2 cans, of small whole beets; 34 cases, each containing 24 No. 2 cans, of sliced beets; 31 100-pound bags of black-eyed peas; and 73 100-pound bags of red kidney beans, at Shreveport, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the canned beets consisted in whole or in part of a decomposed substance; the dried black-eyed peas consisted in whole or in part of a filthy substance by reason of the presence of insects; and the dried red kidney beans consisted in whole or in part of a decomposed substance by reason of the presence of moldy beans. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 5, 1951. Default decree of condemnation. The court ordered that the products be destroyed or otherwise disposed of by the marshal as provided by law.

18035. Adulteration of canned spinach. U. S. v. 162 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 31756, 31760. Sample Nos. 5743-L, 23840-L.)

LIBELS FILED: October 4 and 5, 1951, District of Massachusetts and District of New Jersey.

ALLEGED SHIPMENT: On or about April 26 and July 23, 1951, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 319 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Union, N. J., and Springfield, Mass.

LABEL, IN PART: (Can) "Flotill Fancy Spinach" and "Fancy California Spinach * * * Sweet Life."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids and other insects.

DISPOSITION: December 17 and 27, 1951. Default decrees of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18036. Adulteration and misbranding of canned tomatoes. U. S. v. 40 Cases
* * *. (F. D. C. No. 31751. Sample No. 1228-L.)

LIBEL FILED: On or about October 2, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 21, 1951, by J. W. Siegfried, Jr., from Hague, Va.

PRODUCT: 40 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Atlanta, Ga.

LABEL, IN PART: (Can) "Dixianna Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be destroyed; otherwise, that it be delivered to a Federal institution, for use as animal feed.

18037. Misbranding of canned tomatoes. U. S. v. 358 Cases * * *. (F. D. C. No. 31721. Sample No. 1443-L.)

LIBEL FILED: On or about October 1, 1951, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about July 26, 1951, by the Lake Packing Co., from Lake, Va.

PRODUCT: 358 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbia, S. C.

LABEL, IN PART: (Can) "Red-Glo Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use on its premises.

18038. Adulteration of tomato soup and canned tomatoes and adulteration and misbranding of tomato paste, and refusal to permit inspection of factory premises. U. S. v. H. J. McGrath Co. and Rentzell D. Cleaveland. Pleas of guilty. Each defendant fined \$70, together with costs. (F. D. C. No. 31072. Sample Nos. 55065-K, 55067-K, 65526-K, 65527-K, 4252-L, 9312-L.)

INFORMATION FILED: May 1, 1951, District of Maryland, against the H. J. McGrath Co., Baltimore, Md., and Rentzell D. Cleaveland, vice president.

NATURE OF VIOLATION: On or about November 15, 1949, and September 7 and December 9, 1950, the defendants shipped from Baltimore, Md., to Birmingham, Ala., Milwaukee, Wis., and Chicago, Ill., tomato soup and canned tomatoes which were adulterated and tomato paste which was adulterated and misbranded.

On September 21, 1950, Rentzell D. Cleaveland unlawfully refused a request for permission to enter upon and inspect the factory of the H. J. McGrath Co., which request was made at a reasonable time and in accordance with the provisions of Section 704, by employees of the Food and Drug Administration, and in which factory food was being processed, packed, and held for introduction into interstate commerce.

LABEL, IN PART: (Can) "Pieper's Condensed Tomato Soup * * * Exclusive Distributors O. R. Pieper Co. Milwaukee Wisconsin," "McGrath's Condensed Tomato Soup Packed By The H. J. McGrath Co.," "Realm Vine Ripened Tomatoes * * * Packed For Household Products Co., Chicago, Ill.," and "Plee-zing Tomato Paste Naples Style * * * Packed For Plee-zing, Inc.

NATURE OF CHARGE: Tomato soup, canned tomatoes, and tomato paste. Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

Tomato paste. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent of salt-free tomato solids.

DISPOSITION: November 8, 1951. Pleas of guilty having been entered, the court fined each defendant \$70, together with costs.

NUTS AND NUT PRODUCTS

18039. Adulteration of shelled peanuts. U. S. v. 72 Bags * * *. (F. D. C. No. 31509.* Sample No. 29873-L.)

LIBEL FILED: September 4, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about June 28, 1951, from Fredericksburg, Tex.

PRODUCT: 72 120-pound bags of shelled peanuts at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 28, 1951. The Rogers Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion from the bad, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of 198 pounds of the product as unfit.

18040. Adulteration of shelled walnuts. U. S. v. 21 Boxes * * *. (F. D. C. No. 31846. Sample No. 11204-L.)

LIBEL FILED: September 28, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 14, 1951, from Los Angeles, Calif.

PRODUCT: 21 25-pound boxes of shelled walnuts at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy walnuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1951. Default decree of condemnation and destruction.

18041. Adulteration of shelled walnuts. U. S. v. 4 Cases, etc. (F. D. C. No. 31514. Sample Nos. 19124-L, 19125-L.)

LIBEL FILED: September 6, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about August 1, 1951, from New York, N. Y.

PRODUCT: 5 cases, each containing 55 pounds, of shelled walnuts at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of moldy nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 23, 1951. A default decree was entered providing for destruction of the product unless denatured and disposed of for use as animal feed.

18042. Adulteration of peanut butter. U. S. v. 45 Drums * * *. (F. D. C. No. 31411. Sample No. 9546-L.)

LIBEL FILED: August 3, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 14, 1951, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 45 55-gallon drums of peanut butter at Chicago, Ill.

LABEL, IN PART: (Drum) "J. F. Garvey Peanola P. B. Made Especially For National Biscuit Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 13, 1951. J. F. Garvey Co., claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as stock feed.

OILS AND FATS

18043. Adulteration and misbranding of blended olive and peanut oils. U. S. v. 5 Cases * * *. (F. D. C. No. 31335. Sample No. 23966-L.)

LIBEL FILED: July 11, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about May 31, 1951, by the Mancini Products Co., from Staten Island, N. Y.

PRODUCT: 5 cases, each containing 6 cans, of blended olive and peanut oils at Newark, N. J.

LABEL, IN PART: (Can) "Mancini DeLuxe Pure 50% Olive 50% Peanut Oil Contents One Gallon."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted from the product.

Misbranding, Section 403 (a), the label designation "50% Olive * * * Oil" was false and misleading since the product contained less than the declared amount of olive oil; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 1 gallon.)

DISPOSITION: August 24, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be delivered to a charitable organization.

18044. Adulteration and misbranding of blended olive and peanut oils. U. S. v. 20 Cartons * * *. (F. D. C. No. 29026. Sample No. 74657-K.)

LIBEL FILED: March 27, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about November 28, 1949, by the Mancini Products Co., from New York, N. Y.

PRODUCT: 20 cartons, each containing 6 cans, of blended olive and peanut oils at Newark, N. J.

LABEL, IN PART: (Can) "Mancini DeLuxe Pure 50% Olive 50% Peanut Oil Contents One Gallon."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "50% Olive * * * Oil" was false and misleading as applied to an article which contained less than the declared amount of olive oil.

DISPOSITION: August 20, 1951. Christopher Mancini, trading as the Mancini Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of repacking and/or relabeling, under the supervision of the Federal Security Agency.

OLEOMARGARINE

18045. Adulteration and misbranding of oleomargarine. U. S. v. Cudahy Packing Co. and Theodore Heuck. Pleas of nolo contendere. Corporation fined \$400, plus costs; individual defendant fined \$100. (F. D. C. No. 31257. Sample Nos. 18852-L, 19012-L.)

INFORMATION FILED: November 2, 1951, District of Nebraska, against the Cudahy Packing Co., a corporation, Omaha, Nebr., and Theodore Heuck, in charge of the Omaha oleomargarine plant of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of January 3 and 22, 1951, from the State of Nebraska into the State of Iowa.

LABEL, IN PART: "Delrich E-Z Color Pak Vegetable Oleomargarine Prepared by The Cudahy Packing Co., General Offices, Omaha, Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat.

DISPOSITION: January 3, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$400, plus costs, against the corporation and a fine of \$100 against the individual defendant.

POULTRY

18046. Adulteration of eviscerated fowl. U. S. v. 147 Cartons * * *. (F. D. C. No. 31426. Sample No. 6782-L.)

LIBEL FILED: July 9, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about June 13, 1951, by the Omaha Cold Storage Co., from Omaha, Nebr.

PRODUCT: 147 40-pound cartons of eviscerated fowl at Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance because of the presence of decomposed fowl.

DISPOSITION: September 13, 1951. The Omaha Cold Storage Co., a Nebraska corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the poultry be released under bond for separation of the fit portion from the unfit, under the supervision of the Federal Security Agency. 445 pounds of the poultry were found to be unfit and were denatured.

18047. Adulteration of dressed turkeys. U. S. v. 1 Crate * * *. (F. D. C. No. 31761. Sample No. 24383-L.)

LIBEL FILED: October 5, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 17, 1951, by Morristown Poultry Co., Inc., from Morristown, Tenn.

PRODUCT: 1 crate, containing 56 pounds, of dressed turkeys at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material.

DISPOSITION: October 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

18048. Misbranding of horseradish. U. S. v. 34 Cases * * *. (F. D. C. No. 31650. Sample No. 22973-L.)

LIBEL FILED: August 29, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about July 17, 1951, by Helwick Brothers, from Yonkers, N. Y.

PRODUCT: 34 cases, each containing 12 jars, of horseradish at Hillside, N. J.
LABEL, IN PART: (Jar) "One Quart Kraft Cream Style Horseradish."
NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short of the declared volume.)
DISPOSITION: October 16, 1951. Default decree of condemnation and destruction.

18049. Adulteration of Chilean crushed red peppers. U. S. v. 530 Bags * * *.
(F. D. C. No. 31483. Sample No. 17120-L.)

LIBEL FILED: August 16, 1951, Southern District of California.
ALLEGED SHIPMENT: On or about April 5, 1950, from Valparaiso, Chile.
PRODUCT: 530 65-pound bags of Chilean crushed red peppers at Los Angeles, Calif.
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts. The product was adulterated while held for sale after shipment in interstate commerce.
DISPOSITION: September 27, 1951. Default decree of condemnation. The court ordered that the product be sold to the highest bidder to be denatured at the expense of the purchaser, under the supervision of the Food and Drug Administration, and that it be converted into animal feed.

18050. Adulteration of chili powder. U. S. v. 4 Drums * * *. (F. D. C. No. 31644. Sample No. 1922-L.)

LIBEL FILED: On or about August 27, 1951, Northern District of Georgia.
ALLEGED SHIPMENT: On or about June 18, 1951, by J. A. Knapp, from Garden Grove, Calif.
PRODUCT: 4 drums, each containing 240 pounds, of chili powder at Atlanta, Ga.
LABEL, IN PART: "Mexican type Chili Peppers Cuminos-Oregano Garlic-Salt Challenge Brand Chili Powder."
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pepper material.
DISPOSITION: September 25, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18001 TO 18050

PRODUCTS			
N. J. No.		N. J. No.	
Apple butter	18030	Chili powder	18050
Beans, fava, dried	18033	Clams, chopped, canned	18020
kidney, dried	18034	Corn grits	18007
Beets, canned	18034	Dairy products	18010-18013
Black-eyed peas, dried	18034	Eggs, frozen	18014-18016
Blueberries, fresh	18025-18029	Fats. See Oils and fats.	
Butter	18010-18013	Fava beans, dried	18033
Cereals and cereal products	18001-18009	Feed	18017

	N. J. No.		N. J. No.
Fish and shellfish_____	18018-18021	Peanut(s), butter_____	18042
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		shelled _____	18039
Flounder, frozen_____	18018	Peas, black-eyed, dried_____	18034
Flour_____	18001-18006	Peppers, red, crushed_____	18049
Fruits and vegetables_____	18022-18038	Poultry, dressed_____	18046, 18047
fruit, canned_____	18022-18024	Rice _____	18007, 18008
fresh _____	18025-18029	Shellfish. <i>See</i> Fish and shellfish.	
miscellaneous fruit		Soup, tomato_____	18038
products _____	18030-18032	Spices, flavors, and seasoning materials _____	18048-18050
tomatoes and tomato		Spinach, canned_____	18035
products _____	18036-18038	Strawberry fruit spread_____	18032
vegetables _____	18033-18035	puree _____	18031
Grits, corn _____	18007	Tomato(es), canned_____	18036-18038
Horseradish _____	18048	paste _____	18038
Kidney beans, dried_____	18034	soup _____	18038
Lobster meat, canned_____	18021	Tuna, canned_____	18019
Malt _____	18009	Turkeys. <i>See</i> Poultry, dressed.	
Nuts and nut products_____	18039-18042	Vegetables. <i>See</i> Fruits and vegetables.	
Oils and fats_____	18043, 18044	Walnuts, shelled_____	18040, 18041
Oleomargarine _____	18045	Wheat flakes_____	18009
Olive and peanut oils, blended _____	18043, 18044		
Peaches, canned_____	18022-18024		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams Chapman Co.:		Flotill Products, Inc.:	
fresh blueberries_____	18029	canned spinach_____	18035
Beatrice Foods Co.:		Garvey, J. F., Co.:	
butter _____	18013	peanut butter_____	18042
Blueberry Cooperative Assn.:		Goeglain Mill:	
fresh blueberries_____	18025	apple butter_____	18030
Bridgeman-Russell Co.:		Gwinn Brothers & Co.:	
butter _____	18011	dairy feed_____	18017
Cape King Fisheries, Inc.:		Helwick Brothers:	
canned tuna_____	18019	horseradish _____	18048
Cherokee Products Co.:		Heuck, Theodore:	
canned peaches_____	18024	oleomargarine _____	18045
Christians, H. C., Co.:		Honee Bear Syrup & Preserving Co.:	
butter _____	18010	strawberry puree_____	18031
Cleaveland, R. D.:		Household Products Co.:	
tomato soup, canned tomatoes, and tomato paste_____	18038	canned tomatoes_____	18038
Cornman & Baggs, Inc.:		Iwersen Canning Co.:	
frozen flounder_____	18018	canned chopped clams_____	18020
Cudahy Packing Co.:		Knapp, J. A.:	
oleomargarine _____	18045	chili powder_____	18050
Delicious Egg Co.:		Lake Packing Co.:	
frozen eggs_____	18016	canned tomatoes_____	18037

	N. J. No.		N. J. No.
Lampinen, Leo:		Pieper, O. R., Co.:	
fresh blueberries-----	18029	tomato soup-----	18038
Leverton & Co.:		Plee-zing, Inc.:	
strawberry fruit spread -----	18032	tomato paste-----	18038
McGrath, H. J., Co.:		Saari, Matti:	
tomato soup, canned tomatoes,		fresh blueberries-----	18028
and tomato paste-----	18038	Siegfried, J. W., Jr.:	
Mancini Products Co.:		canned tomatoes-----	18036
blended olive and peanut		Taylor, A. V.:	
oils -----	18043, 18044	fresh blueberries-----	18027
Markham Brothers & Co.:		Taylor, Charles, & Son, Inc.:	
canned peaches-----	18023	fresh blueberries-----	18027
Minot Creamery Co.:		Underwriters Salvage Co.:	
butter -----	18011	apple butter-----	18030
Morristown Poultry Co., Inc.:		Wanda Cooperative Creamery	
dressed turkeys-----	18047	Assn.:	
National Biscuit Co.:		butter -----	18010
peanut butter-----	18042	White, Sherman, & Co.:	
Omaha Cold Storage Co.:		frozen eggs-----	18015
eviscerated fowl-----	18046	Winn, Ricker & Co.:	
Orleans Poultry Co.:		fresh blueberries-----	18028
frozen eggs-----	18014	Wuori, A. G.:	
Pacific Grape Products Co.:		fresh blueberries-----	18026
canned peaches-----	18022		



FEDERAL REGISTER

The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

*Order from the Superintendent of Documents, United States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

1952-7-1

080

人 乙

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18051-18100

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 9, 1952.*

CONTENTS

	Page		Page
Beverages and beverage materials	24	Fruits and vegetables—Continued	
Cereals and cereal products	25	Tomatoes	34
Flour	25	Nuts	36
Miscellaneous cereal product	27	Poultry	36
Dairy products	27	Spices, flavors, and seasoning ma-	
Butter	27	terials	39
Fish and shellfish	30	Vitamin, mineral, and other prod-	
Fruits and vegetables	31	ucts of special dietary signifi-	
Canned fruit	31	cance	40
Dried fruit	32	Index	41
Vegetables	33		

BEVERAGES AND BEVERAGE MATERIALS

18051. Adulteration and misbranding of whiskies, wines, and cordials. U. S. v. 36,000 bottles * * *. (F. D. C. No. 31647. Sample No. 10932-L.)

LIBEL FILED: August 28, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: Between November 8, 1949, and June 19, 1951, by various shippers in other States, to Henderson, Ky.

PRODUCT: 36,000 bottles of whiskies, wines, and cordials, at Louisville, Ky. Some of the bottles were labeled with various brands, some with partly burned labels, and some with no labels. The products had been involved in a warehouse fire at Henderson, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles were unfit for food by reason of the presence of fire-damaged beverages.

Misbranding, Sections 403 (e) (1) and (2), some of the bottles of the articles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), some of the labels failed to bear the common or usual name of the articles.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 4, 1951. Stoney Crest, Inc., Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law. The decree provided further that all whiskies or gins of a certain manufacturer be transferred to Philadelphia, Pa., the headquarters of that manufacturer, for the purpose of relabeling or rebottling any portion that was not adulterated, under the supervision of the local Alcohol Tax Unit, and redistillation of any portion that was not suitable for relabeling or rebottling; that all whiskies of another manufacturer be inspected before shipment, that any portion suitable for relabeling be transferred to the manufacturer, at Peoria, Ill., for relabeling, under the supervision of the local Alcohol Tax Unit, and that any portion thereof not suitable for relabeling be rectified or redistilled at a licensed plant; that 4,000 cases of various wines be transferred to a winery at Louisville, Ky., to be reprocessed, rebottled, or relabeled, under the supervision of the Food and Drug Administration, so as to be made suitable for human consumption; that 25 cases of Scotch whiskies, still in their original cartons, be examined, and if found fit for human consumption and not misbranded, be released to the claimant; and that all of the remaining miscellaneous beverages be transferred to a rectifier and rectified or redistilled.

18052. Adulteration of coffee beans and cashew nuts. U. S. v. 1,150 pounds, etc. (F. D. C. No. 30887. Sample Nos. 23016-L, 23017-L.)

LIBEL FILED: April 3, 1951, Eastern District of New York.

ALLEGED SHIPMENT: The date of importation of the coffee beans is unknown. The cashew nuts were shipped from India between January 1, 1949, and March 1, 1950.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (in the coffee beans) of dirt, glass fragments, rodent excreta, wood fragments, and pebbles, and (in the cashew nuts) beetles, larvae, insect excreta, and worm-eaten

cashew pieces. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 16, 1951. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

FLOUR

18053. Adulteration of flour. U. S. v. 708 Bags * * *. (F. D. C. No. 31631. Sample Nos. 21995-L to 22002-L, incl.)

LIBEL FILED: August 20, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of January 10 and July 30, 1951, from Wichita Falls, Tex., Minneapolis, Minn., and Chicago, Ill.

PRODUCT: 708 bags, each containing 100 pounds, of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 11, 1951. Etienne D. Cambon, New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the unfit portion and converting it into animal feed. The entire amount of the product was denatured for use as animal feed.

18054. Adulteration of flour. U. S. v. 331 Bags, etc. (F. D. C. No. 31835. Sample Nos. 21777-L, 22033-L.)

LIBEL FILED: September 28, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about April 1 and July 21, 1951, from Fort Worth, Tex.

PRODUCT: 416 25-pound bags of flour at Opelousas, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 24, 1952. Allen Joubert, trading as the Plaisance Wholesale Grocery Co., Opelousas, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing into animal feed, under the supervision of the Federal Security Agency.

18055. Adulteration of flour. U. S. v. 25 Bags * * * (and 1 other seizure action). (F. D. C. No. 31741. Sample Nos. 22013-L, 22014-L, 22085-L, 22086-L.)

LIBELS FILED: September 27, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 2, July 27 and 28, and August 10 and 17, 1951, from Clinton, Mo., and Wichita Falls, Tex.

PRODUCT: Flour. 160 100-pound bags, 89 50-pound bags, and 78 25-pound bags, at Plaquemine, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 23, 1951. Default decrees of condemnation and destruction.

18056. Adulteration of flour. U. S. v. 100 Bags * * *. (F. D. C. No. 31629. Sample Nos. 21950-L, 21991-L, 21992-L, 21994-L.)

LIBEL FILED: August 15, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 25, May 18, June 22, and July 19, 1951, from Memphis, Tenn., Louisville, Ky., and Springfield, Ill.

PRODUCT: 100 100-pound bags of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 16, 1951. The owner having consented to the destruction of the product, judgment of condemnation was entered and the court ordered that the product be destroyed immediately.

18057. Adulteration of self-rising flour. U. S. v. 39 Bags * * *. (F. D. C. No. 31797. Sample No. 1375-L.)

LIBEL FILED: October 16, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 31, July 26, August 22, and September 6, 1951, from Enid, Okla., and Springfield, Ill.

PRODUCT: 39 25-pound bags of self-rising flour at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 3, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

18058. Adulteration of flour and chocolate-flavored dessert. U. S. v. 57 Bags, etc. (F. D. C. No. 31656. Sample Nos. 1714-L, 1715-L.)

LIBEL FILED: On or about September 6, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 1, 1950, and April 10, 1951, from Chattanooga, Tenn., and Brooklyn, N. Y.

PRODUCT: 57 25-pound bags of flour, and 15 cases, each containing 48 3-ounce packages, of chocolate-flavored dessert at Cornelia, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 9, 1951. Default decree of condemnation. The court ordered that the products be destroyed or delivered to a Federal institution, for use as animal feed.

MISCELLANEOUS CEREAL PRODUCT

18059. Adulteration of rice. U. S. v. 100 Bags, etc. (F. D. C. No. 31668. Sample No. 3483-L.)

LIBEL FILED: September 14, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about April 12, 1951, from Jonesboro, Ark.

PRODUCT: 150 100-pound bags of rice at Norfolk, Va., in possession of Foote Brothers & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 16, 1951. The Yavner Brothers, claimant for 100 bags of the product, and Galanides, Inc., claimant for 50 bags of the product, both of Norfolk, Va., having admitted that the article was adulterated as alleged in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law. The product was converted into animal feed.

18060. Adulteration of rice. U. S. v. 196 Cases, etc. (F. D. C. No. 31678. Sample Nos. 1547-L, 1548-L.)

LIBEL FILED: September 14, 1951, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about August 23 and September 24, 1950, from Harrisburg, Ark.

PRODUCT: 196 cases, each containing 12 3-pound boxes, and 44 cases, each containing 36 1-pound boxes, of rice at Greensboro, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 9, 1951. The Comet Rice Mills, Beaumont, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was fumigated, cleaned, and remilled. As a result of these operations, 1,495 pounds of the product were removed as unfit and were sold for use in the manufacture of animal feed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 18061 to 18063; that was below the legal standard for milk fat content, Nos. 18064 and 18065; and that was short of the declared weight, No. 18066.

18061. Adulteration of butter. U. S. v. 200 Cases * * *. (F. D. C. No. 31691. Sample No. 29154-L.)

LIBEL FILED: August 9, 1951, District of Hawaii.

ALLEGED SHIPMENT: On or about July 23, 1951, by the Raven Creamery, from Portland, Oreg.

PRODUCT: 200 cases, each containing 68 pounds, of butter at Honolulu, T. H.

LABEL, IN PART: "Raven Brand Butter Manufactured by Raven Creamery, Portland, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of mold and rodent hairs.

DISPOSITION: September 5, 1951. The Raven Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. Approximately 1,148 pounds of the product were segregated as unfit and were denatured.

18062. Adulteration of butter. U. S. v. 5 Cases, etc. (F. D. C. No. 31688. Sample Nos. 12221-L to 12223-L, incl.)

LIBEL FILED: August 15, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 6, 1951, by the Kyle Creamery Assn., from Aurora, Ind.

PRODUCT: 9 cases, each containing 30 pounds, and 1 case, containing 48 8-ounce rolls, of butter at Lockland, Ohio. Analysis showed that the product was made from decomposed cream and contained insect filth, manure fragments, and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it was prepared and packed under insanitary conditions whereby it became contaminated with filth.

DISPOSITION: October 10, 1951. Default decree of condemnation. The court ordered that the product be sold for conversion into a form which would make it obviously unfit for human consumption.

18063. Adulteration of butter. U. S. v. 7 Cases * * *. (F. D. C. No. 31690. Sample No. 15323-L.)

LIBEL FILED: July 23, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 14, 1951, by the West Point Creamery, from West Point, Nebr.

PRODUCT: 7 cases, each containing 32 1-pound packages, of butter at Sioux City, Iowa.

LABEL, IN PART: (Wrapper) "Armour Cloverbloom Butter * * * Armour Creameries Distributors Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance, namely, decomposed butter.

DISPOSITION: August 22, 1951. Default decree of condemnation. The court ordered that the product be sold, conditioned that it be denatured or otherwise reprocessed for use as animal feed.

18064. Adulteration of butter. U. S. v. 13 Cases, etc. (F. D. C. No. 31689. Sample No. 15324-L.)

LIBEL FILED: July 23, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 14, 1951, by the West Point Creamery, from West Point, Nebr.

PRODUCT: 19 cases, each containing 32 1-pound packages, of butter at Sioux City, Iowa.

LABEL, IN PART: (Wrapper) "Armour Cloverbloom Butter * * * Armour Creameries Distributors Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 28, 1951. The West Point Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

18065. Adulteration of butter. U. S. v. 15 Cartons (960 pounds) * * *. (F. D. C. No. 31692. Sample No. 19617-L.)

LIBEL FILED: July 6, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 26, 1951, by the Marietta Creamery Co., from Marietta, Minn.

PRODUCT: 15 cartons, each containing 64 pounds, of butter at Chicago, Ill.

LABEL, IN PART: "Creamery Butter Distributed By Saul Stone & Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 15, 1951. Saul Stone & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered the product be released under bond for reworking under the supervision of the Federal Security Agency.

18066. Misbranding of butter. U. S. v. 100 Cases * * *. (F. D. C. No. 31694. Sample No. 5704-L.)

LIBEL FILED: August 24, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 24, 1951, by the Independent Creamery, from Kansas City, Mo.

PRODUCT: 100 cases, each containing 32 boxes, of butter at Boston, Mass.

LABEL, IN PART: (Box) "Overland Creamery Butter. 1 Lb. Net Packed For S. S. Pierce Co., Boston, Mass."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package of the article did not bear an accurate statement of the quantity of the contents since the statement "1 Lb. Net" was incorrect. (Examination showed that the article was short of the declared weight.)

DISPOSITION: September 21, 1951. The H. A. Hovey Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by repacking it in bulk and labeling each bulk container correctly as to the quantity of the contents, under the supervision of the Federal Security Agency.

FISH AND SHELLFISH

18067. Adulteration of frozen flounder fillets. U. S. v. 240 Cases * * *. (F. D. C. No. 31658. Sample No. 9124-L.)

LIBEL FILED: August 31, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 3, 1951, by Tichon's Fish & Fillet Corp., from New Bedford, Mass.

PRODUCT: 240 cases, each containing 5 10-pound cartons, of frozen flounder fillets at Great Lakes, Ill.

LABEL, IN PART: "Tichon Brand Fresh Frosted Flounder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: November 1, 1951. Default decree of condemnation and destruction.

18068. Adulteration of frozen whiting fillets and frozen H & G whiting. U. S. v. 398 Cartons, etc. (F. D. C. No. 31632. Sample Nos. 1358-L, 1360-L to 1362-L, incl.)

LIBEL FILED: August 21, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about July 8, 1951, by the General Freezer & Storage Co., Inc., from New Bedford, Mass.

PRODUCT: 398 10-pound cartons of frozen whiting fillets and 1,014 10-pound cartons of frozen H & G whiting at Charlotte, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: September 24, 1951. Default decree of condemnation and destruction.

18069. Adulteration of canned shrimp. U. S. v. 160 Cases * * *. (F. D. C. No. 31670. Sample Nos. 5428-L, 5911-L to 5913-L, incl.)

LIBEL FILED: September 6, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 27, 1950, by the R. G. Lafaye Co., from New Orleans, La.

PRODUCT: 160 cases, each containing 48 5-ounce cans, of shrimp at Boston, Mass.

LABEL, IN PART: (Can) "Tri-Mor Brand * * * Wet Pack Small Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp, and it was otherwise unfit for food by reason of the presence of shrimp with abnormal color and metallic odor and flavor.

DISPOSITION: October 8, 1951. Default decree of condemnation and destruction.

18070. Adulteration of frozen shrimp. U. S. v. 157 Cases * * *. (F. D. C. No. 31628. Sample No. 4483-L.)

LIBEL FILED: August 13, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about July 13, 1951, by Coastal Seafood Co., Inc., from Valona, Ga.

PRODUCT: 157 cases, each containing 24 12-ounce packages, of frozen shrimp at Washington, D. C.

LABEL, IN PART: (Package) "Quick Frozen Bonanci Green Headless Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: September 18, 1951. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park, Washington, D. C., for its use and not for sale.

FRUITS AND VEGETABLES

CANNED FRUIT

18071. Adulteration of canned peaches. U. S. v. 50 Cases * * *. (F. D. C. No. 31682. Sample No. 22008-L.)

LIBEL FILED: September 14, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about August 18, 1950, from Berkeley, Calif.

PRODUCT: 50 cases, each containing 24 1-pound, 4-ounce cans, of peaches at Mobile, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1951. Default decree of condemnation and destruction.

18072. Misbranding of canned peaches. U. S. v. 773 Cases * * *. (F. D. C. No. 31669. Sample No. 22006-L.)

LIBEL FILED: September 6, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 2, 1951, by the Cherokee Products Co., from Haddock, Ga.

PRODUCT: 773 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Jefferson Parish, La.

LABEL, IN PART: (Can) "O'sage Brand * * * Yellow Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves, and the label failed to bear a statement that the article fell below the standard. (Examination showed that the article was substandard in quality because the weight of some units was less than $\frac{3}{5}$ ounce, the weight of the largest unit in the container was more than twice the weight of the smallest unit, and not all units were untrimmed or so trimmed as to preserve normal shape.)

DISPOSITION: November 9, 1951. The Cherokee Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18073. Misbranding of canned peaches. U. S. v. 56 Cases, etc. (F. D. C. No. 31621. Sample No. 13489-L.)

LIBEL FILED: August 14, 1951, District of Utah.

ALLEGED SHIPMENT: On or about June 8, 1951, by the Regent Canfood Co., from San Francisco, Calif.

PRODUCT: 183 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Salt Lake City, Utah.

Examination showed that a portion of the article consisted of excessively trimmed peach halves and that a portion consisted of mixed pieces of irregular sizes and shapes.

LABEL, IN PART: (Can) "Halves Yellow Cling Peaches Mixed Pieces of Irregular Sizes and Shapes Golden Orchard Brand."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves since all peach halves of the article were not untrimmed or were so trimmed as not to preserve their normal shape, and the label failed to bear a statement that the article fell below the standard.

Further misbranding, Section 403 (a), the vignette on the label depicting a dish containing 3 peach halves, together with the label designation "Mixed Pieces of Irregular Sizes and Shapes," was false and misleading as applied to that portion of the article which contained excessively trimmed peach halves; and the vignette, together with the label designation "Halves," was false and misleading as applied to that portion of the article which contained mixed pieces of irregular sizes and shapes.

DISPOSITION: October 5, 1951. Safeway Stores, Inc., Oakland, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

DRIED FRUIT

18074. Adulteration of dried apricots. U. S. v. 218 Cases * * *. (F. D. C. No. 31720. Sample No. 8813-L.)

LIBEL FILED: September 21, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 3, 1951, by the Mayfair Packing Co., from San Jose, Calif.

PRODUCT: 218 25-pound cases of dried apricots at Chicago, Ill.

LABEL, IN PART: "Sexton Brand Extra Fancy Blenheim Apricots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, and it was otherwise unfit for food by reason of the presence of stones; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 7, 1952. Default decree of condemnation and destruction.

18075. Adulteration of figs. U. S. v. 999 Bags, etc. (F. D. C. No. 31764. Sample Nos. 37536-L, 37537-L.)

LIBEL FILED: October 9, 1951, Eastern District of New York.

ALLEGED SHIPMENT: Prior to November 13, 1950, from Calamata, Greece.

PRODUCT: 1,292 50-pound bags of figs at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested figs, and of a decomposed substance by reason of the presence of moldy

figs. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 17, 1951. Default decree of condemnation and destruction.

18076. Adulteration of raisins. U. S. v. 100 Cases, etc. (F. D. C. No. 31634. Sample Nos. 841-L, 842-L.)

LIBEL FILED: August 21, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 21 and December 28, 1950, from Fresno and Oakland, Calif.

PRODUCT: 150 30-pound cases of raisins at Miami, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 30, 1951. Royal Baking Co., Inc., Miami, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. A total of 3,030 pounds of the product was found unfit and was destroyed, and the remainder of the 5,430 pounds actually seized was released.

VEGETABLES

18077. Adulteration of frozen artichokes. U. S. v. 98 Cases * * *. (F. D. C. No. 31732. Sample No. 9590-L.)

LIBEL FILED: September 27, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 10, 1951, by the Western Frozen Foods Co., from Watsonville, Calif.

PRODUCT: 98 cases, each containing 6 boxes, of frozen artichokes at Chicago, Ill.

LABEL, IN PART: (Box) "Rose Froz N Brand California Artichokes 45 Ounces or More When Packed Artichokes, Inc., Watsonville, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: January 7, 1952. Default decree of condemnation and destruction.

18078. Misbranding of canned green beans. U. S. v. 48 Cases * * *. (F. D. C. No. 31630. Sample No. 4299-L.)

LIBEL FILED: August 15, 1951, District of Puerto Rico.

ALLEGED SHIPMENT: On or about August 1, 1951, by the H. J. McGrath Co., from Baltimore, Md.

PRODUCT: 48 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Ponce, P. R.

LABEL, IN PART: (Can) "Saint Elmo Brand Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cut green beans since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, the maximum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 28, 1951. Default decree of condemnation. The court ordered that the product be delivered for consumption in certain public institutions.

18079. Adulteration of dried yellow-eyed beans. U. S. v. 19 Cases * * *. (F. D. C. No. 31654. Sample No. 1876-L.)

LIBEL FILED: On or about September 6, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 21, 1951, from Indianapolis, Ind.

PRODUCT: 19 cases, each containing 24 1-pound bags, of dried yellow-eyed beans at East Point, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 2, 1951. Default decree of condemnation. The court ordered that the product be destroyed or delivered to a Federal institution, for use as animal feed.

18080. Adulteration of canned spinach. U. S. v. 149 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 31653, 31711. Sample Nos. 5624-L, 5816-L.)

LIBELS FILED: On or about September 6 and 25, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about July 20 and 30, 1951, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 297 cases, each containing 24 1-pound, 2-ounce (or 11-ounce) cans, of spinach at Providence, R. I.

LABEL, IN PART: (Can) "A & P Young Tender [or "Grade A"] Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids and thrips.

DISPOSITION: December 10, 1951. Default decrees of condemnation and destruction.

TOMATOES

18081. Adulteration of canned tomatoes. U. S. v. 637 Cases * * *. (F. D. C. No. 31657. Sample No. 9123-L.)

LIBEL FILED: September 11, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 6, 1951, by the Mann Brothers Canning Co., from Lakeland, Fla.

PRODUCT: 637 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: (Can) "Russell's Best Standard Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: November 1, 1951. Default decree of condemnation and destruction.

18082. Misbranding of canned tomatoes. U. S. v. 198 Cases * * *. (F. D. C. No. 31672. Sample No. 4304-L.)

LIBEL FILED: September 12, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 8, 1951, by Roberts Brothers, Inc., from Baltimore, Md.

PRODUCT: 198 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at New Orleans, La.

LABEL, IN PART: (Can) "Roberts Big R Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes (the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the container), and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 9, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

18083. Misbranding of canned tomatoes. U. S. v. 142 Cases * * *. (F. D. C. No. 31679. Sample No. 37441-L.)

LIBEL FILED: September 12, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about August 8, 1951, by A. W. Sisk & Son, from Salem, Md.

PRODUCT: 142 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Newark, N. J.

LABEL, IN PART: (Can) "Salem Brand Tomatoes * * * Packed By Salem Packing Co., Thos. J. Gaulkner & Sons, Salem, Md."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article purported to be and was represented as canned tomatoes, and its quality fell below the standard of quality for canned tomatoes because of excessive peel; and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions if examination by the Food and Drug Administration disclosed that the product was fit for human consumption. The product was found to be fit and was delivered to various institutions.

18084. Misbranding of canned tomatoes. U. S. v. 34 Cases * * *. (F. D. C. No. 31710. Sample No. 12929-L.)

LIBEL FILED: September 18, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about August 7, 1951, by the Elsa Canning Co., Elsa, Tex.

PRODUCT: 34 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Denver, Colo.

LABEL, IN PART: (Can) "Tomatoes * * * Ro-Tel Brand."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because the strength and redness of color of the article was less than that prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 31, 1951. The Elsa Canning Co. having executed an acceptance of service and an authorization for taking of a final decree, judgment of condemnation was entered against the one case of the article which

actually had been seized. The court ordered that the product be delivered to a charitable institution.

NUTS*

18085. Adulteration of shelled peanuts. U. S. v. 258 Bags * * *. (F. D. C. No. 31623. Sample No. 5067-L.)

LIBEL FILED: August 10, 1951. District of Massachusetts.

ALLEGED SHIPMENT: On or about July 24, 1951, by Farmers Cotton & Peanut Co., Inc., from Plymouth, N. C.

PRODUCT: 258 100-pound bags of shelled peanuts at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 13, 1951. Farmers Cotton & Peanut Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be cleaned and the fit portion converted into edible oil and the unfit portion denatured for use as animal feed, under the supervision of the Federal Security Agency. A total of 2,864 pounds of the product was found to be unfit and was denatured for use as animal feed.

POULTRY

18086. Adulteration and misbranding of dressed poultry. U. S. v. 5,000 Pounds * * *. (F. D. C. No. 31618. Sample No. 24357-L.)

LIBEL FILED: August 15, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 26, 1951, by the Rockland Poultry Co., from Rockland, Maine.

PRODUCT: 5,000 pounds of dressed poultry in 69 crates at New York, N. Y. Examination showed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added deleterious substance, diethylstilbestrol, which is unsafe within the meaning of the law.

Misbranding, Section 403 (a), the designation "RST" which appeared on the crate label was misleading since such designation applies to roasting chickens which have not been chemically treated, whereas the article had been chemically treated with diethylstilbestrol.

DISPOSITION: October 23, 1951. The Rockland Poultry Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of salvaging by removing the necks and eviscerating under the supervision of the Federal Security Agency.

18087. Adulteration of dressed poultry. U. S. v. 1,125 Pounds * * *. (F. D. C. No. 31665. Sample No. 24376-L.)

LIBEL FILED: September 6, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1951, by the Delmarva Poultry Corp., from Frankford, Del.

PRODUCT: 1,125 pounds of dressed poultry in 15 crates at Bronx, N. Y.

*See also No. 18052.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18088. Adulteration of dressed poultry. U. S. v. 366 Pounds * * *. (F. D. C. No. 31763. Sample No. 24384-L.)

LIBEL FILED: October 5, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 22, 1951, by Berry Brothers, from Morrill, Maine.

PRODUCT: 366 pounds of dressed poultry in 5 crates at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: October 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18089. Adulteration of dressed poultry. U. S. v. 354 Pounds * * *. (F. D. C. No. 31749. Sample No. 24381-L.)

LIBEL FILED: October 3, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11, 1951, by the Red River Produce Co., from Grand Forks, N. Dak.

PRODUCT: 354 pounds of dressed poultry in 9 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: October 19, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18090. Adulteration of dressed poultry. U. S. v. 265 Pounds * * *. (F. D. C. No. 31663. Sample No. 24374-L.)

LIBEL FILED: September 7, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 16, 1951, by the Maplewood Packing Co., from Belfast, Maine.

PRODUCT: 265 pounds of dressed poultry in 4 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18091. Adulteration of dressed poultry. U. S. v. 240 Pounds * * *. (F. D. C. No. 31637. Sample No. 24367-L.)

LIBEL FILED: August 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 9, 1951, by Spaulding & Sons, Inc., from Billerica, Mass.

PRODUCT: 240 pounds of dressed poultry in 4 crates at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18092. Adulteration of dressed poultry. U. S. v. 209 Pounds * * *. (F. D. C. No. 31666. Sample No. 24375-L.)

LIBEL FILED: September 6, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1951, by Spaulding & Sons, Inc., from Billerica, Mass.

PRODUCT: 209 pounds of dressed poultry in 4 crates at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or part the product of a diseased animal.

DISPOSITION: September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18093. Adulteration of dressed poultry. U. S. v. 149 Pounds * * *. (F. D. C. No. 31662. Sample No. 24373-L.)

LIBEL FILED: September 7, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1951, by the Penobscot Poultry Co., from Belfast, Maine.

PRODUCT: 149 pounds of dressed poultry in 2 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18094. Adulteration of dressed turkeys. U. S. v. 111 Pounds * * * (and 1 other seizure action). (F. D. C. Nos. 31638, 31648. Sample Nos. 24369-L, 24371-L.)

LIBELS FILED: August 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 9 and 16, 1951, by Furman & Co., from Canton, Mass.

PRODUCT: 111 pounds and 94 pounds of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (111-pound lot) the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised and mutilated birds; (94-pound

lot) the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material.

DISPOSITION: September 25, 1951. Default decrees of condemnation. The court ordered that portions of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

18095. Misbranding of black pepper. U. S. v. 13 Cases * * *. (F. D. C. No. 31673. Sample No. 1364-L.)

LIBEL FILED: September 11, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about May 3, 1951, by the Monogram Coffee & Tea Co., from Charleston, S. C.

PRODUCT: 13 cases, each containing 144 cans, of black pepper at Charlotte, N. C.

LABEL, IN PART: (Can) "Net Wt. 1 Oz. Monogram Superior Pure Ground Black Pepper."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so made, formed, or filled as to be misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. 1 Oz." was inaccurate. (Examination showed that the volume of the container was 75 cc., whereas a container of such size could easily contain 1¼ ounces of black pepper. The article was found also to be short of the declared weight.)

DISPOSITION: December 18, 1951. The Monogram Coffee & Tea Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for repacking and reprocessing, under the supervision of the Federal Security Agency.

18096. Adulteration of chili peppers. U. S. v. 175 Unlabeled Bags * * *. (F. D. C. No. 31479. Sample No. 11128-L.)

LIBEL FILED: August 16, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 23, 1951, by McClintock-Stern Co., Inc., from San Francisco, Calif.

PRODUCT: 175 unlabeled bags (approximately 35,000 pounds) of chili peppers at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peppers, and of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: September 5, 1951. The Frank Tea & Spice Co., claimant, having admitted the truth of the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Reconditioning operations resulted in the release of approximately 30,000 pounds of the product and in the destruction of approximately 3,559 pounds.

18097. Adulteration and misbranding of french dressing. U. S. v. 22 Cases * * *. (F. D. C. No. 31641. Sample No. 4484-L.)

LIBEL FILED: August 21, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about August 3, 1951, by Holsum Products, from Baltimore, Md.

PRODUCT: 22 cases, each containing 4 1-gallon jars, of french dressing at Washington, D. C.

LABEL, IN PART: (Jar) "Holsum Brand French Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for french dressing since the article contained less than 35 percent by weight of vegetable oil, the minimum permitted by the definition and standard.

DISPOSITION: September 13, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution for its use and not for sale.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

18098. Adulteration and misbranding of vitamin Caplets. U. S. v. 157 Bottles * * *. (F. D. C. No. 31674. Sample No. 1354-L.)

LIBEL FILED: On or about September 11, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 4, 1951, from Chicago, Ill.

PRODUCT: 157 bottles each containing 100 vitamin Caplets at Atlanta, Ga.

Analysis showed that the product contained approximately 26 percent of the declared amount of vitamin A and approximately 50 percent of the declared amount of vitamin D.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Each Caplet Contains: Vitamin A (Palmitate) 2000 USP Units Vitamin D (Irr. Ergosterol) 400 USP Units * * * 3 * * * Caplets supply the following percentages of the adult minimum daily requirements, Vitamin A 150%; Vitamin D 300%" were false and misleading as applied to this article, which contained less than these amounts and percentages of the minimum daily requirements for vitamins A and D.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1951. Default decree of condemnation and destruction.

18099. Adulteration and misbranding of vitamin Caplets. U. S. v. 182 Bottles, etc. (F. D. C. No. 31739. Sample No. 1718-L.)

LIBEL FILED: On or about October 2, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 20, 1951, from Chicago, Ill.

PRODUCT: Vitamin Caplets. 182 bottles, each containing 100 Caplets, and 2 bottles, each containing 1,000 Caplets, at Atlanta, Ga.

Analysis showed that the article contained approximately 6 percent of the declared amount of vitamin A and approximately 50 percent of the declared amount of vitamin D.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the following label statements were false and misleading as applied to an article which contained less than the declared

amounts of vitamins A and D and which failed to supply the stated percentages of the adult minimum daily requirements for such vitamins: "Each Caplet Contains: Vitamin A (Palmitate) 2000 USP Units Vitamin D (Irr. Ergosterol) 400 USP Units * * * 3 * * * Caplets supply the following percentages of the adult minimum daily requirements, Vitamin A 150%; Vitamin D 300%."

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 30, 1951. Default decree of condemnation and destruction.

18100. Misbranding of Cal-O-Min Jr. U. S. v. 5 Boxes, etc. (F. D. C. No. 31708. Sample No. 11536-L.)

LIBEL FILED: September 20, 1951, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about April 3 and 5, 1951, by Cal-O-Min, Inc., from Wichita, Kans.

PRODUCT: 5 boxes, each containing 24 10-tablet vials, of Cal-O-Min Jr. at McMinnville, Tenn.

LABEL, IN PART: "Cal-O-Min Jr. * * * Contents: Calcium Carbonate (Crystalline Form), Iron Oxide, Mag. Carb. Directions: 1 or 2 Tab."

NATURE OF CHARGE: Misbranding, Section 403 (j), the product was a food for special dietary uses by reason of its mineral content, and its label failed to bear as required by the regulations a statement of the proportion of the minimum daily requirement for calcium and iron and the amount of magnesium carbonate supplied by the food when consumed in a specified quantity during a period of one day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3677.

DISPOSITION: February 18, 1952. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18051 to 18100

PRODUCTS

	N. J. No.		N. J. No.
Apricots, dried	18074	Fish and shellfish	18067-18070
Artichokes, frozen	18077	Flavors. See Spices, flavors, and	
Beans, green, canned	18078	seasoning materials.	
yellow-eyed, dried	18079	Flounder fillets, frozen	18067
Beverages and beverage mate-		Flour	18053-18058
rials	18051, 18052	French dressing	18097
Butter	18061-18066	Fruits and vegetables	18071-18084
Cal-O-Min Jr	18100	fruit, canned	18071-18073
Cashew nuts	18052	dried	18074-18076
Cereals and cereal products	18053-	tomatoes	18081-18084
	18060	vegetables	18077-18080
Chili peppers	18096	Nuts	18052, 18085
Chocolate-flavored dessert	18058	Peaches, canned	18071-18073
Coffee beans	18052	Peanuts, shelled	18085
Cordials (fire-damaged)	18051	Pepper, black	18095
Dairy products	18061-18066	Peppers, chili	18096
Figs	18075	Poultry	18086-18094
Fire-damaged whiskies, wines,		Raisins	18076
and cordials	18051	Rice	18059, 18060

	N. J. No.		N. J. No.
Self-rising flour.....	18057	Vegetables. <i>See</i> Fruits and vegetables.	
Shellfish. <i>See</i> Fish and shellfish.			
Shrimp, canned.....	18069	Vitamin, mineral, and other products of special dietary significance	18098-18100
frozen	18070	Whiskies (fire-damaged).....	18051
Spices, flavors, and seasoning materials	18095-18097	Whiting fillets, frozen.....	18068
Spinach, canned.....	18080	Wines (fire-damaged).....	18051
Tomatoes, canned.....	18081-18084		
Turkeys. <i>See</i> Poultry.			

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Armour Creameries:		McGrath, H. J., Co.:	
butter	18063, 18064	canned green beans.....	18078
Artichokes, Inc.:		Mann Brothers Canning Co.:	
frozen artichokes.....	18077	canned tomatoes.....	18081
Berry Brothers:		Maplewood Packing Co.:	
dressed poultry.....	18088	dressed poultry.....	18090
Cal-O-Min, Inc.:		Marietta Creamery Co.:	
Cal-O-Min Jr.	18100	butter	18065
Cherokee Products Co.:		Mayfair Packing Co.:	
canned peaches.....	18072	dried apricots.....	18074
Coastal Seafood Co., Inc.:		Monogram Coffee & Tea Co.:	
frozen shrimp.....	18070	black pepper.....	18095
Delmarva Poultry Corp.:		Penobscot Poultry Co.:	
dressed poultry.....	18087	dressed poultry.....	18093
Elsa Canning Co.:		Pierce, S. S., Co.:	
canned tomatoes.....	18084	butter	18066
Farmers Cotton & Peanut Co., Inc.:		Raven Creamery:	
shelled peanuts.....	18085	butter	18061
Flotill Products, Inc.:		Red River Produce Co.:	
canned spinach.....	18080	dressed poultry.....	18089
Foote Brothers & Co.:		Regent Canfood Co.:	
rice	18059	canned peaches.....	18073
Furman & Co.:		Roberts Brothers, Inc.:	
dressed turkeys.....	18094	canned tomatoes.....	18082
Gaulkner, Thos. J., & Sons:		Rockland Poultry Co.:	
canned tomatoes.....	18083	dressed poultry.....	18086
General Freezer & Storage Co., Inc.:		Salem Packing Co.:	
frozen whiting fillets and frozen H & G whiting.....	18068	canned tomatoes.....	18083
Holsum Products:		Sisk, A. W., & Son:	
french dressing.....	18097	canned tomatoes.....	18083
Independent Creamery:		Spaulding & Sons, Inc.:	
butter	18066	dressed poultry.....	18091, 18092
Kyle Creamery Assn.:		Stone, Saul, & Co.:	
butter	18062	butter	18065
Lafaye, R. G., Co.:		Tichon's Fish & Fillet Corp.:	
canned shrimp.....	18069	frozen flounder fillets.....	18067
McClintock-Stern Co., Inc.:		West Point Creamery:	
chili peppers.....	18096	butter	18063, 18064
		Western Frozen Foods Co.:	
		frozen artichokes.....	18077

32 Nf

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18101-18150

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., *July 10, 1952.*

CONTENTS

	Page		Page
Candy and sirup	44	Fish and shellfish	52
Candy	44	Fruits and vegetables	53
Sirup	45	Canned fruit	53
Cereals and cereal products	46	Frozen fruit	55
Bakery product	46	Vegetables and vegetable prod-	
Macaroni and noodle products	46	ucts	56
Miscellaneous cereals and cereal		Tomatoes and tomato products	57
products	47	Meat and poultry	59
Dairy products	49	Nuts and nut products	61
Butter	49	Oleomargarine	62
Cheese	50	Index	63
Eggs	51		

CANDY AND SIRUP

CANDY

18101. Adulteration of maple sugar candy. U. S. v. Vermont Confectionery Co., Inc. (Vermont Maple Tree Sugar Co.), and Theodore R. Davidson. Pleas of guilty. Fine of \$1,500 against corporation. Fine of \$200 against individual defendant; fine suspended and individual placed on probation for 2 years. (F. D. C. No. 31548. Sample Nos. 5018-L, 5194-L, 5358-L, 5394-L to 5397-L, incl.)

INFORMATION FILED: October 1, 1951, District of Vermont, against Vermont Confectionery Co., Inc., also trading under the name of the Vermont Maple Tree Sugar Co., Burlington, Vt., and against Theodore R. Davidson, vice president and assistant treasurer of the corporation.

ALLEGED SHIPMENT: On or about March 19 and April 10, 11, 13, and 16, 1951, into the States of Massachusetts and New Hampshire.

LABEL, IN PART: "Vermont Maple Sugar Absolutely Pure Blue Ribbon" or "Vermont Blue Ribbon Maple Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 14, 1952. Pleas of guilty having been entered, the court imposed a fine of \$1,500 against the corporation and a fine of \$200 against the individual defendant. The fine against the individual was suspended, and he was placed on probation for 2 years.

18102. Adulteration of candy. U. S. v. Milk Maid Candy Co. and Anthony E. Graziano, Jr. Pleas of nolo contendere. Fines of \$700 against company and \$50 against individual. (F. D. C. No. 31071. Sample Nos. 95565-K, 95592-K, 5111-L, 5112-L, 5172-L, 5173-L.)

INFORMATION FILED: April 17, 1951, Eastern District of Pennsylvania, against the Milk Maid Candy Co., a corporation, Philadelphia, Pa., and Anthony E. Graziano, Jr., secretary of the corporation.

ALLEGED SHIPMENT: On or about November 22 and December 8, 20, and 21, 1950, from the State of Pennsylvania into the States of Rhode Island, Massachusetts, and New Jersey.

LABEL, IN PART: "Pinwheels [or "Gyros"] 120 Count."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 27, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$700 against the company and a fine of \$50 against the individual.

18103. Adulteration and misbranding of candy and adulteration of corn flakes and sugar. U. S. v. Sess A. Rhodes (Rhodes Candy Co.). Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 31531. Sample Nos. 11504-L, 21548-L, 31075-L, 31076-L, 31917-L to 31919-L, incl.)

INFORMATION FILED: September 13, 1951, Western District of Tennessee, against Sess A. Rhodes trading as the Rhodes Candy Co., Savannah, Tenn.

ALLEGED VIOLATION: On or about April 13, 20, 25, and 27, 1951, the defendant caused various quantities of candy to be shipped from the State of Tennessee into the States of Kentucky and Mississippi.

On or about August 11 and October 24, 1950, the defendant received at Savannah, Tenn., a number of boxes of corn flakes and a number of boxes of sugar which had been shipped in interstate commerce from the States of Wisconsin and Louisiana. While the products were being held for sale after shipment in interstate commerce, the defendant, within the period from on or about August 11, 1950, to on or about May 1, 1951, caused a number of bags of the products to be placed in a building accessible to rodents and to be exposed to contamination by rodents.

LABEL, IN PART: (Candy) "M-Delicious Ball 5¢ * * * Net Wt. 2 Ozs. or Over" and "5¢ Tasty Ball * * * Weight 1¼ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the candy had been prepared and packed, and the corn flakes and sugar had been held, under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the candy labeled in part "M-Delicious Ball" failed to bear a label containing an accurate statement of the quantity of the contents. (The candy was short of the declared weight.)

DISPOSITION: September 19, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

SIRUP

18104. Adulteration and misbranding of sorghum sirup. U. S. v. Roy Lansaw. Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 3 years. (F. D. C. No. 32750. Sample No. 31607-L.)

INDICTMENT RETURNED: March 18, 1952, Eastern District of Illinois, against Roy Lansaw, Joplin, Mo.

INTERSTATE SHIPMENT: On or about January 12, 1952, from the State of Missouri into the State of Illinois, of a number of cans of sirup.

ALLEGED VIOLATION: On or about January 15 and 17, 1952, while the sirup was held for sale after shipment in interstate commerce, the defendant obliterated the labels on the cans reading "New Crop Syrup, A Sorghum Flavor Blend of Cane Sugar Syrup, Corn Syrup, Molasses and Sorghum Syrup Made By T. J. Blackburn, Jefferson, Texas," by pasting over the said label other labels reading "Pure Hancock County Sorghum, E. D. Brown, Rt. 2, Patesville, Ky." and offered for sale a number of the said cans with the original labels obliterated.

RESULTS OF INVESTIGATION: The defendant purchased a quantity of a blended sirup consisting of sugar sirup, glucose, sorghum sirup, and perhaps some molasses, transported it from Joplin, Mo., into Illinois, relabeled it, and sold it to small grocery stores for sorghum sirup, a costlier product.

DISPOSITION: April 1, 1952. A plea of guilty having been entered by the defendant, the court suspended imposition of sentence and placed the defendant on probation for 3 years.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCT

18105. Adulteration of bread. U. S. v. The Kempler Baking Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 31543. Sample Nos. 11634-L to 11637-L, incl.)

INFORMATION FILED: September 17, 1951, Southern District of Ohio, against the Kempler Baking Co., a corporation, Steubenville, Ohio.

ALLEGED SHIPMENT: On or about May 18, 1951, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "Cottage Loaf Enriched," "Kempler's Rye Bread," and "Kempler's Italian [or "Vienna"] Bread Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 26, 1951. A plea of guilty having been entered, the court imposed a fine of \$1,000.

MACARONI AND NOODLE PRODUCTS

18106. Adulteration of macaroni and spaghetti. U. S. v. Luso-American Macaroni Mfg. Co., Inc., and Antonio J. Pereira. Pleas of guilty. Fine of \$400 against corporation and \$100 against individual. (F. D. C. No. 31529. Sample Nos. 5148-L, 5150-L, 5152-L.)

INFORMATION FILED: September 25, 1951, District of Massachusetts, against Luso-American Macaroni Mfg. Co., Inc., Fall River, Mass., and Antonio J. Pereira, treasurer of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of February 14 and March 21, 1951, from the State of Massachusetts into the State of Rhode Island.

LABEL, IN PART: (Portions) "Venus-Brand Macaroni [or "Spaghetti"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 8, 1951. Pleas of guilty having been entered, the court imposed a fine of \$400 against the corporation and a fine of \$100 against the individual.

18107. Adulteration of macaroni and spaghetti. U. S. v. 19 Cases, etc. (F. D. C. Nos. 31474, 31475. Sample Nos. 29477-L; 29478-L, 29871-L, 29872-L.)

LIBELS FILED: August 16 and September 5, 1951, Districts of Alaska and Oregon.

ALLEGED SHIPMENT: On or about July 16 and 30, 1951, by the Golden Grain Macaroni Co., from Seattle, Wash.

PRODUCT: 19 cases, each containing 12 14-ounce packages, of macaroni, and 24 cases, each containing 24 14-ounce packages, of spaghetti at Anchorage, Alaska, and 7 cases, each containing 20 pounds, of macaroni, and 2 cases, each containing 20 pounds, of spaghetti at Eugene, Oreg.

LABEL, IN PART: (Packages) "Golden Grain Elbow Macaroni" or "Golden Grain * * * Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 16 and 23, 1951. Default decrees of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS *

18108. Adulteration of rice. U. S. v. 5 Bags * * *. (F. D. C. No. 31477. Sample No. 12268-L.)

LIBEL FILED: August 17, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 6, 1951, from Stuttgart, Ark.

PRODUCT: 5 100-pound bags of rice at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 15, 1951. Default decree of condemnation and destruction.

18109. Adulteration of rice. U. S. v. 30 Bales, etc. (F. D. C. No. 31497. Sample Nos. 22063-L to 22065-L, incl.)

LIBEL FILED: September 6, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about May 31, 1951, from Kaplan, La.

PRODUCT: Rice. 46 bales, each containing 20 3-pound packages, and 20 bales, each containing 30 2-pound packages, at Centreville, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1951. Default decree of condemnation. The court ordered that the product be donated to a charitable institution, to be denatured and used as animal feed.

*See also No. 18103.

18110. Adulteration of rice. U. S. v. 25 bales * * *. (F. D. C. No. 31506. Sample No. 21324-L.)

LIBEL FILED: September 6, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about July 20, 1951, from Kaplan, La.

PRODUCT: 25 bales, each containing 20 3-pound packages, of rice at Natchez, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 20, 1951. Default decree of condemnation. The court ordered that the product be destroyed or disposed of for use as animal feed to some charitable institution.

18111. Adulteration of rice. U. S. v. 28 Cases * * *. (F. D. C. No. 31600 Sample No. 1432-L.)

LIBEL FILED: On or about August 27, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 13, 1950, from Stuttgart, Ark.

PRODUCT: 28 cases, each containing 12 3-pound boxes, of rice at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 24, 1951. Default decree of condemnation. The court ordered that the product be destroyed or in lieu thereof, delivered to a Federal institution, for use as animal feed. It was disposed of in the latter manner.

18112. Adulteration of brewers rice. U. S. v. 100,370 Pounds * * *. (F. D. C. No. 31602. Sample No. 5812-L.)

LIBEL FILED: August 6, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 12, 1951, by River Brand Rice Mills, Inc., from Eunice, La.

PRODUCT: 100,370 pounds of brewers rice at Lowell, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: September 6, 1951. River Brand Rice Mills, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

18113. Adulteration of brewers malt. U. S. v. 750 Bags * * *. (F. D. C. No. 31498. Sample No. 10982-L.)

LIBEL FILED: August 28, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: Between June 7 and 21, 1951, from Wisconsin and Illinois.

PRODUCT: 750 100-pound bags of brewers malt at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 10, 1951. The Red Top Brewing Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured and converted into animal feed, under the supervision of the Federal Security Agency.

18114. Adulteration of soy grits. U. S. v. 5 Bags * * *. (F. D. C. No. 31512. Sample No. 19514-L.)

LIBEL FILED: September 5, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about May 8, 1950, from Decatur, Ill.

PRODUCT: 5 100-pound bags of soy grits at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 23, 1951. A default decree was entered providing for destruction of the product unless denatured and disposed of for use as animal feed.

DAIRY PRODUCTS

BUTTER

18115. Adulteration of butter. U. S. v. 99 Cases, etc. (F. D. C. No. 31813. Sample Nos. 21218-L, 21219-L.)

LIBEL FILED: September 7, 1951, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 13, 1951, by the Beatrice Foods Co., from Topeka, Kans.

PRODUCT: Butter. 198 cases, each containing 32 1-pound cartons, and 22 pounds at Houston, Tex.

LABEL, IN PART: (Carton) "Blue Valley [or "Holland Brand Creamery"] Butter * * * Distributed by Beatrice Foods Co. Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, namely, decomposed butter.

DISPOSITION: January 22, 1952. The Beatrice Foods Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment was entered finding that a portion of the butter identified by certain churn markings was fit for human consumption and ordering that this portion be delivered to the claimant. The remainder of the butter was condemned and released under bond, conditioned that it be converted into butter oil.

18116. Misbranding of butter. U. S. v. 107 Cases * * *. (F. D. C. No. 32541. Sample No. 4028-L.)

LIBEL FILED: On or about February 20, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about February 7, 1952, by State Brand Creameries, Inc., from Mason City, Iowa.

PRODUCT: 107 cases, each containing 32 1-pound cartons, of butter at Baltimore, Md.

LABEL, IN PART: (Carton) "John Poehlman & Sons, Inc. Worthmore Sweet Cream Butter"; ($\frac{1}{4}$ -pound prints) "Each Quarter Pound of Worthmore Butter Contains 5600 Units of Vitamin A."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Each Quarter Pound of Worthmore Butter Contains approximately 5600 Units of Vitamin A So Necessary to Growth, Development, and General Health and Vigor. * * * Butter is 99% digestible" were false and misleading since a quarter pound of the product contained less than 5,600 units of vitamin A; the product would not promote growth, development, general health, and vigor; and it was not 99% digestible.

Further misbranding, Section 403 (e) (1), the name appearing on the product was the name of the distributor and was not so designated.

DISPOSITION: March 19, 1952. John Poehlman & Sons, Inc., Baltimore Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling and reconditioning if fit for use; otherwise, for extracting the butter fat therefrom so as to conform to the law, under the supervision of the Federal Security Agency.

CHEESE

18117. Adulteration and misbranding of Cheddar cheese. U. S. v. Farmers Milk Products Co. and Joe A. O'Berto. Pleas of guilty. Fine of \$1,800 against company and \$200 against individual, plus costs against both defendants. (F. D. C. No. 31546. Sample Nos. 6913-L to 6915-L, incl.)

INFORMATION FILED: October 17, 1951, Southern District of Illinois, against the Farmers Milk Products Co., a corporation, Flanagan, Ill., and Joe A. O'Berto, president of the corporation.

ALLEGED SHIPMENT: On or about May 22 and June 23, 1951, from the State of Illinois into the State of Pennsylvania.

LABEL, IN PART: "Illinois Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of manure fragments, feather fragments, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese since the milk used in the manufacture of the article was not pasteurized, and the article had not been cured at a temperature of 35° F. for a period of not less than 60 days, as required by the definition and standard.

DISPOSITION: October 31, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,800 against the corporation and a fine of \$200 against the individual, plus costs against both of the defendants.

18118. Adulteration and misbranding of process cheese. U. S. v. 6 Cartons
* * *. (F. D. C. No. 32542. Sample No. 34145-L.)

LIBEL FILED: On or about March 4, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 11 and 14, 1952, by Todd Cheese Products, Inc., from Girard, Kans.

PRODUCT: 6 cartons, each containing 6 5-pound loaves, of process cheese at Mount Vernon, Mo.

LABEL, IN PART: (Loaf) "Spring River Pasteurized Process American Cheese" or "Jayhawk Brand Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold; and, Section 402 (b) (2), a product containing more than 40% of moisture and the solids of which contained less than 50% of milk fat had been substituted in whole or in part for "Pasteurized Process American Cheese."

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for "Pasteurized Process American Cheese" since it contained more than 40% of moisture, and its solids contained less than 50% of milk fat.

DISPOSITION: April 4, 1952. Default decree of condemnation and destruction.

EGGS

18119. Adulteration of frozen eggs. U. S. v. 700 Cans * * *. (F. D. C. No. 31626. Sample Nos. 25492-L, 25498-L.)

LIBEL FILED: August 16, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 24, 1951, by Arthur Redmond Co., Inc., from Terre Haute, Ind.

PRODUCT: 700 300-pound cans of frozen eggs at Philadelphia, Pa.

LABEL, IN PART: "Kirby (K)uality Kirtex made of Whole Eggs, Egg Yolks, Sugar and Salt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: September 12, 1951. Arthur Redmond Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. 287 cans of the product were found to be unfit and were denatured.

18120. Adulteration and misbranding of frozen eggs. U. S. v. 145 Unlabeled Cans * * *. (F. D. C. No. 32559. Sample No. 9665-L.)

LIBEL FILED: March 4, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 2, 1952, by George Annes, from Kansas City, Mo.

PRODUCT: 145 unlabeled 30-pound cans of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the product failed to bear the name of the food specified in the definition and standard of identity for frozen whole eggs.

DISPOSITION: March 14, 1952. The Bauer Poultry Corp., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion from the bad and the destruction of the bad, under the supervision of the Federal Security Agency.

FISH AND SHELLFISH

18121. Adulteration of frozen halibut fillets. U. S. v. 47 Cases * * *. (F. D. C. No. 31500. Sample No. 28365-L.)

LIBEL FILED: September 5, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about July 13, 1951, by the Yaquina Bay Fish Co., from Newport, Oreg.

PRODUCT: 47 cases, each containing 12 1-pound packages, of frozen halibut fillets at San Jose, Calif.

LABEL, IN PART: (Package) "Ocean Beauty Brand Skinless Halibut Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: November 13, 1951. Default decree of condemnation and destruction.

18122. Misbranding of canned tuna. U. S. v. 6 Cases * * *. (F. D. C. No. 31457. Sample No. 24887-L.)

LIBEL FILED: August 6, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 26, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 6 cases, each containing 24 cans, of tuna at Harrisburg, Pa.

LABEL, IN PART: (Can) "Cape King Salad Pieces Light Meat Tuna Contents 13 Oz. Avd."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Contents 13 Oz. Avd." was inaccurate. (The article was short of the declared weight.)

DISPOSITION: December 20, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18123. Misbranding of canned crab meat. U. S. v. 24 Cases * * *. (F. D. C. No. 31503. Sample No. 28952-L.)

LIBEL FILED: September 5, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about June 15, 1951, by the Washington Fish Co., from Seattle, Wash.

PRODUCT: 24 cases each containing 24 6½-ounce cans, of crab meat at Portland, Oreg. Examination showed that the product contained discolored crab meat.

LABEL, IN PART: (Can) "Belaire Brand Fancy Dungeness Crab Meat."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy" was false and misleading since the article was not fancy due to its discoloration.

DISPOSITION: October 31, 1951. Pacific Coast Merchandise Co., Inc., Portland, Oreg. Claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18124. Adulteration of frozen shrimp. U. S. v. 169 Cartons * * *. (F. D. C. No. 31606. Sample No. 23224-L.)

LIBEL FILED: August 10, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 5, 1951, by the Lanasa & Wexler Shrimp Co., from Key West, Fla.

PRODUCT: 169 5-pound cartons of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: September 25, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18125. Misbranding of canned peaches. U. S. v. 498 Cases * * *. (F. D. C. No. 31524. Sample No. 12510-L.)

LIBEL FILED: September 11, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 5, 1951, by Carolina Canning Co., Inc., from Inman, S. C.

PRODUCT: 498 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Columbus, Ohio.

LABEL, IN PART: (Can) "Carolina Gold Brand Halved Yellow Freestone Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since it failed to meet the test for tenderness prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 14, 1951. Carolina Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18126. Misbranding of canned peaches. U. S. v. 199 Cases * * *. (F. D. C. No. 31684. Sample No. 1545-L.)

LIBEL FILED: September 14, 1951, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about August 20, 1951, by Taylor & Sledd, from Easley, S. C.

PRODUCT: 199 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Greensboro, N. C.

LABEL, IN PART: (Can) "Powhatan Brand Yellow Freestone Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned peaches since it failed to meet the test for tenderness as prescribed in the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: December 17, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

18127. Misbranding of canned peaches. U. S. v. 73 cases, etc. (F. D. C. No. 31605. Sample Nos. 3680-L, 3681-L.)

LIBEL FILED: August 9, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 5, 10, and 11, 1951, by the J. A. Jones Canning Co., from Easley, S. C.

PRODUCT: Peaches. 73 cases, each containing 24 1-pound, 13-ounce cans, and 13 cases, each containing 24 1-pound, 14-ounce cans, at Richmond, Va.

LABEL, IN PART: (Cans) "Powhatan Brand Yellow Freestone Peaches Halves In Heavy Syrup" or "Durham Maid Brand Yellow Peeled Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by regulations, and the label of the article failed to bear, as required by the regulations, the name of the optional packing medium present in the article since the labels bore the statement "In Heavy Syrup," whereas the Powhatan Brand was packed in the medium designated as slightly sweetened water and the Durham Maid Brand was packed in the medium designated as light sirup in the definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves since the weight of some units in the containers of the article was less than $\frac{3}{5}$ of an ounce; the weight of the largest peach half in the container of the article was more than twice the weight of the smallest unit therein; all units of the article were not untrimmed or were so trimmed as not to preserve their normal shape; more than 5% of the units in the container of the article were crushed or broken; more than 20% of the units in the container of the Durham Maid Brand portion of the article were blemished with discoloration; and the labels failed to bear a statement that the article fell below such standard.

DISPOSITION: October 29, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

FROZEN FRUIT

18128. Adulteration of frozen blueberries. U. S. v. 85 Cases * * *. (F. D. C. No. 31693. Sample No. 33059-L.)

LIBEL FILED: August 17, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 30 and 31 and August 3, 1951, and other dates, by H. K. Cupp & Sons, from Benton Harbor, Mich.

PRODUCT: 85 cases, each containing 16 1-quart boxes, of frozen blueberries at Chicago, Ill.

LABEL, IN PART: "Wildcat Lake Blueberries Max E. Booth Marcellus, Michigan" or "Huckleberries * * * A. R. Franz Dowagiac, Michigan."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the product was infested with maggots.)

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

18129. Adulteration of frozen strawberries. U. S. v. Southland Frozen Foods, Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 31535. Sample Nos. 2969-L, 2970-L.)

INFORMATION FILED: September 25, 1951, Western District of New York, against Southland Frozen Foods, Inc., Ontario Center, N. Y.

ALLEGED SHIPMENT: On or about February 26 and March 19, 1951, from the State of New York into the District of Columbia.

LABEL, IN PART: "Distributed by Cortley Frosted Foods, Inc., N. Y. * * * In Sugar Whole Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: November 26, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$400.

VEGETABLES AND VEGETABLE PRODUCTS

18130. Adulteration of canned beets. U. S. v. 528 Cases * * *. (F. D. C. No. 31874. Sample No. 21780-L.)

LIBEL FILED: October 5, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 3, 22, and 30, 1951, from Harlingen, Tex.

PRODUCT: 528 cases, each containing 24 1-pound, 4-ounce cans, of beets at New Iberia, La. Examination showed that the product was undergoing progressive decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. Default decree of condemnation and destruction.

18131. Adulteration of canned black-eyed peas. U. S. v. D. E. Foote & Co., Inc. Plea of guilty. Fine of \$100, plus costs. (F. D. C. No. 31532. Sample Nos. 2875-L to 2877-L, incl., 2882-L.)

INFORMATION FILED: August 27, 1951, District of Maryland, against D. E. Foote & Co., Inc., Baltimore, Md.

ALLEGED SHIPMENT: Between the approximate dates of January 3 and 9, 1951, from the State of Maryland into the State of West Virginia.

LABEL, IN PART: (Can) "Flavor Pack Family Brand Black Eye Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of adult insects, larvae, and pupae.

DISPOSITION: October 5, 1951. A plea of guilty having been entered, the court imposed a fine of \$100, plus costs.

18132. Adulteration of canned sauerkraut. U. S. v. 449 Cases * * *. (F. D. C. No. 31496. Sample No. 6985-L.)

LIBEL FILED: August 27, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 3, 1951, by the Crawford Sauerkraut Co., from Canandaigua, N. Y.

PRODUCT: 449 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Youngstown, Ohio.

LABEL, IN PART: (Can) "A&P Sauerkraut Grade A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies, maggots, and other insects, and insect eggs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 21, 1951. Default decree of condemnation and destruction.

18133. Adulteration of egg plant relish. U. S. v. 183 Cases * * *. (F. D. C. No. 31661. Sample No. 1431-L.)

LIBEL FILED: On or about September 6, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 30, 1951, from New Orleans, La.

PRODUCT: 183 cases, each containing 100 6-ounce cans, of egg plant relish at Stone Mountain, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 2, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18134. Misbranding of canned tomatoes. U. S. v. 347 Cases * * *. (F. D. C. No. 31664. Sample No. 12818-L.)

LIBEL FILED: September 14, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about June 28, 1951, by the L. H. Moore Canning Co., from McAllen, Tex.

PRODUCT: 347 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Pueblo, Colo.

LABEL, IN PART: (Can) "Gardenside Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since the article failed to meet the requirements for strength and redness of color, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 19, 1951. Default decree of condemnation. The court ordered that the product, which consisted of 13 cases actually seized, be delivered to a charitable institution.

18135. Misbranding of canned tomatoes. U. S. v. 248 Cases * * *. (F. D. C. No. 31766. Sample No. 23748-L.)

LIBEL FILED: October 9, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about August 2, 1951, by the Chester Packing Co., from Chestertown, Md.

PRODUCT: 248 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Waterbury, Conn.

LABEL, IN PART: (Can) "Pride of the Farm Brand * * * Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of the low drained weight, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 27, 1951. Default decree of condemnation. The court ordered that the product, which consisted of 64 cases actually seized, be distributed to charitable institutions.

18136. Adulteration of tomato catsup. U. S. v. Columbia Conserve Co., Inc. Plea of guilty. Fine of \$100, plus costs. (F. D. C. No. 31540. Sample No. 91118-K.)

INFORMATION FILED: August 8, 1951, Southern District of Indiana, against Columbia Conserve Co., Inc., Indianapolis, Ind.

ALLEGED SHIPMENT: On or about October 2, 1950, from the State of Indiana into the State of Minnesota.

LABEL, IN PART: (Bottle) "Fairway Contents 14 Ozs. Avoir. Tomato Catsup Packed For Twin City Wholesale Grocer Co. St. Paul, Minn. Fargo, N. D."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 21, 1951. A plea of guilty having been entered, the court imposed a fine of \$100, plus costs.

18137. Adulteration of tomato puree. U. S. v. 330 Cases * * *. (F. D. C. No. 31616. Sample No. 3980-L.)

LIBEL FILED: On or about August 9, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about December 30, 1950, by the A. M. Beebe Co., from San Francisco, Calif.

PRODUCT: 330 cases, each containing 6 No. 10 cans, of tomato puree at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 16, 1951. K & R Fruit Products, Inc., Upland, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. A total of approximately 71 cases of the product were found unfit and were destroyed.

18138. Adulteration and misbranding of tomato sauce. U. S. v. 394 Cases * * *. (F. D. C. No. 31495. Sample No. 22003-L.)

LIBEL FILED: August 24, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 26 and May 18, 1951, by the Dixie Canning Co., Inc., from Crystal Springs, Miss., and by the Merchants Co., from Gulfport, Miss.

PRODUCT: 394 cases, each containing 100 5¾-ounce cans, of tomato sauce at New Orleans, La. Examination showed that the product was slightly concentrated tomato juice containing added starch and also decomposed tomato material.

LABEL, IN PART: (Can) "Carmela Brand * * * Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (a), the label designation "Tomato Sauce" was false and misleading as applied to slightly concentrated tomato juice containing added starch.

DISPOSITION: September 26, 1951. Default decree of condemnation and destruction.

MEAT AND POULTRY

18139. Adulteration of dressed rabbits. U. S. v. 1 Unlabeled Basket * * *.
(F. D. C. No. 32538. Sample No. 26316-L.)

LIBEL FILED: February 21, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 8, 1952, by K. H. Crist, from Westphalia, Kans.

PRODUCT: 1 unlabeled basket containing approximately 38 dressed rabbits at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt, hair, and fecal matter.

DISPOSITION: March 7, 1952. The shipper having advised that no claim would be made, judgment of condemnation was entered and the court ordered that the product be destroyed.

18140. Adulteration of dressed poultry. U. S. v. Canton Produce Co. Plea of guilty. Fine, \$50. (F. D. C. No. 31091. Sample Nos. 89875-K, 89880-K.)

INFORMATION FILED: June 4, 1951, District of South Dakota, against the Canton Produce Co., a partnership, Canton, S. Dak.

ALLEGED SHIPMENT: On or about December 9 and 16, 1950, from the State of South Dakota into the State of Nebraska.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of dressed poultry contaminated with rodent and insect excreta pellets; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 30, 1951. A plea of guilty having been entered, the court imposed a fine of \$50.

18141. Adulteration of dressed poultry. U. S. v. 8,000 Pounds * * *.
(F. D. C. No. 31615. Sample No. 24358-L.)

LIBEL FILED: August 14, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 30, 1951, by the Berry Brothers, from Morrill, Maine.

PRODUCT: 8,000 pounds of dressed poultry in 104 crates at Bronx, N. Y.

LABEL, IN PART: "Berry Brothers Quality Packed Maine Poultry."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added deleterious substance, diethylstilbestrol, which is unsafe within the meaning of the law.

DISPOSITION: November 5, 1951. Berry Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of removing the head and neck of each bird and eviscerating all of the birds under the supervision of the Federal Security Agency.

18142. Adulteration of dressed poultry. U. S. v. 479 Pounds * * *. (F. D. C. No. 31748. Sample No. 25796-L.)

LIBEL FILED: On or about October 5, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about September 17, 1951, by the Samor Poultry Corp., from Wilmington, Del.

PRODUCT: 479 pounds of dressed poultry in 6 crates at Camden, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fecal matter and crop material.

DISPOSITION: December 6, 1951. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of 1 crate which was ordered delivered to the Federal Security Agency.

18143. Adulteration of dressed poultry. U. S. v. 117 Pounds * * *. (F. D. C. No. 31676. Sample No. 24377-L.)

LIBEL FILED: September 11, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 28, 1951, by the Mandata Poultry Co., from Mandata, Pa.

PRODUCT: 117 pounds of dressed poultry in 2 crates at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

18144. Adulteration of dressed poultry. U. S. v. 109 Pounds * * *. (F. D. C. No. 31731. Sample No. 25794-L.)

LIBEL FILED: September 25, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 10, 1951, by the Spencer Poultry Co., from Dayton, Va.

PRODUCT: 109 pounds of dressed poultry in 2 crates at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: November 29, 1951. Default decree of condemnation and destruction. On December 5, 1951, the decree was amended to provide for delivery of 1 crate of the product to the Federal Security Agency and the destruction of the remainder.

18145. Adulteration of dressed poultry. U. S. v. 1 Crate * * *. (F. D. C. No. 31614. Sample No. 24359-L.)

LIBEL FILED: August 14, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 31, 1951, by Garrison Kaufman, from Flemington, N. J.

PRODUCT: 1 crate containing 41 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with crop and fecal matter.

DISPOSITION: September 7, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18146. Adulteration of dressed turkeys. U. S. v. 233 Pounds * * *. (F. D. C. No. 31727. Sample No. 25793-L.)

LIBEL FILED: September 25, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 11, 1951, by the H. T. Custer Poultry, from Hinton, Va.

PRODUCT: 233 pounds of dressed turkeys in 4 crates at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: December 20, 1951. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of 1 crate which was to be delivered to the Federal Security Agency.

NUTS AND NUT PRODUCTS

18147. Adulteration of cashew nuts. U. S. v. 385 Cases * * *. (F. D. C. No. 31519. Sample No. 35676-L.)

LIBEL FILED: September 11, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about July 31, 1951, from New York, N. Y.

PRODUCT: 385 cases of cashew nuts at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 18, 1951. The Johnson Nut Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was reconditioned, with the result that 1,450 pounds of the 18,435 pounds seized were found unfit. The unfit portion was destroyed.

18148. Adulteration of shelled peanuts. U. S. v. 341 Bags * * *. (F. D. C. No. 31516. Sample No. 29465-L.)

LIBEL FILED: September 12, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about May 2, 1951, from Dallas, Tex.

PRODUCT: 341 120-pound bags of shelled peanuts at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 19, 1951. Old Yankee Foods, Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. The product was reconditioned by passing the peanuts through a roasting, blanching, and suction process, with the result that the insect filth was successfully removed.

18149. Adulteration of sunflower seeds. U. S. v. 210 Bags * * *. (F. D. C. No. 31527. Sample No. 19516-L.)

LIBEL FILED: September 12, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about January 26, 1951, from Jersey City, N. J.

PRODUCT: 210 100-pound bags of sunflower seeds at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 19, 1951. The Fisher Nut & Chocolate Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning and reprocessing under the supervision of the Federal Security Agency. A total of 1,920 pounds of the product were segregated as unfit and were destroyed.

OLEOMARGARINE

18150. Misbranding of colored oleomargarine. U. S. v. 3 cases, etc. (F. D. C. No. 32558. Sample Nos. 16990-L, 16991-L.)

LIBEL FILED: March 5, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about January 30, 1952, by the Nuspred Foods Co., from Portland, Oreg.

PRODUCT: 8 cases, each containing 30 13-ounce packages, of colored oleomargarine at Los Angeles, Calif.

LABEL, IN PART: (Package) "Nuspred Pure 100 Percent Soya Bean Product * * * Colored Margarine Contents: Especially prepared Solidified Soya Bean Oil 96%, Salt 2%, Moisture 2%, Butter Flavoring, and Vitamin A Carotene Oil Coloring [or "Colored Margarine Without Salt Contents: Especially prepared Solidified Soya Bean Oil 98%, Moisture 2%, Butter Flavoring, and Vitamin A Carotene Oil Coloring"]."

NATURE OF CHARGE: Misbranding, Section 403 (g), the product failed to conform to the definition and standard of identity for oleomargarine since it did not contain the milk product required by such standard; since it was represented as oleomargarine with vitamin A added and contained less than 9,000 units of vitamin A per pound as required by such standard; and since its label failed to bear a statement declaring the presence of artificial flavoring and artificial color as required by the standard.

Further misbranding, Section 403 (j), the product was represented as a food for special dietary uses by reason of its vitamin A content, and its label failed to bear such information concerning its vitamin properties as necessary to fully inform purchasers as to its value for such uses since its label failed to bear as prescribed by the regulations a statement of the proportions of the minimum daily requirement of vitamin A furnished by a specific quantity of the article when consumed during a period of one day; and, Section 403 (a), the label statement "Pure 100 Percent Soya Bean Product" was false and misleading since the product contained also non-soyabean ingredients.

DISPOSITION: April 9, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18101 TO 18150

PRODUCTS

	N. J. No.		N. J. No.
Bakery product-----	18105	Grits, soy-----	18114
Beets, canned-----	18130	Halibut fillets, frozen-----	18121
Black-eyed peas, canned-----	18131	Macaroni and noodle	
Blueberries, frozen-----	18128	products-----	18106, 18107
Bread-----	18105	Malt, brewers-----	18113
Brewers malt-----	18113	Maple sugar candy-----	18101
rice-----	18112	Meat and poultry-----	18139-18146
Butter-----	18115, 18116	Noodles. See Macaroni and noodle	
Candy-----	18101-18103	products.	
Cashew nuts-----	18147	Nuts and nut products---	18147-18149
Catsup, tomato-----	18136	Oleomargarine-----	18150
Cereals and cereal		Peaches, canned-----	18125-18127
products-----	18105-18114	Peanuts, shelled-----	18148
Cheese-----	18117	Peas, black-eyed, canned-----	18131
process-----	18118	Poultry. See Meat and poultry.	
Chickens. See Meat and poultry.		Process cheese-----	18118
Corn flakes-----	18103	Rabbits, dressed-----	18139
Crab meat, canned-----	18123	Relish, egg plant-----	18133
Dairy products-----	18115-18118	Rice-----	18108-18111
Egg plant relish-----	18133	brewers-----	18112
Eggs, frozen-----	18119, 18120	Sauerkraut, canned-----	18132
Fish and shellfish-----	18121-18124	Shellfish. See Fish and shellfish.	
Fruits and vegetables---	18125-18138	Shrimp, frozen-----	18124
fruit, canned-----	18125-18127	Sirup, sorghum-----	18104
frozen-----	18128, 18129	Sorghum sirup-----	18104
tomatoes and tomato		Soy grits-----	18114
products-----	18134-18138	Spaghetti. See Macaroni and	
vegetables and vegetable		noodle products.	
products-----	18130-18133	Strawberries, frozen-----	18129

	N. J. No.		N. J. No.
Sugar-----	18103	Tuna, canned-----	18122
Sunflower seeds-----	18149	Turkeys. <i>See</i> Meat and poultry.	
Tomato(es), canned-----	18134, 18135	Vegetables. <i>See</i> Fruits and	
catsup-----	18136	vegetables.	
puree-----	18137		
sauce-----	18138		

SHIPPERS MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Annes, George:		Graziano, A. E., Jr.:	
frozen eggs-----	18120	candy-----	18102
Beatrice Foods Co.:		Jones, J. A., Canning Co.:	
butter-----	18115	canned peaches-----	18127
Beebe, A. M., Co.:		Kaufman, Garrison:	
tomato puree-----	18137	dressed poultry-----	18145
Berry Brothers:		Kempler Baking Co.:	
dressed poultry-----	18141	bread-----	18105
Booth, M. E.:		Lanasa & Wexler Shrimp Co.:	
frozen blueberries-----	18128	frozen shrimp-----	18124
Canton Produce Co.:		Lansaw, Roy:	
dressed poultry-----	18140	sorghum sirup-----	18104
Cape King Fisheries, Inc.:		Luso-American Macaroni Mfg.	
canned tuna-----	18122	Co., Inc.:	
Carolina Canning Co., Inc.:		macaroni and spaghetti-----	18106
canned peaches-----	18125	Mandata Poultry Co.:	
Chester Packing Co.:		dressed poultry-----	18143
canned tomatoes-----	18135	Merchants Co.:	
Columbia Conserve Co., Inc.:		tomato sauce-----	18138
tomato catsup-----	18136	Milk Maid Candy Co.:	
Cortley Frosted Foods, Inc.:		candy-----	18102
frozen strawberries-----	18129	Moore, L. H., Canning Co.:	
Crawford Sauerkraut Co.:		canned tomatoes-----	18134
canned sauerkraut-----	18132	Nuspred Foods Co.:	
Crist, K. H.:		colored oleomargarine-----	18150
dressed rabbits-----	18139	O'Berto, J. A.:	
Cupp, H. K., & Sons:		Cheddar cheese-----	18117
frozen blueberries-----	18128	Pereira, A. J.:	
Custer, H. T., Poultry:		macaroni and spaghetti-----	18106
dressed turkeys-----	18146	Poehlman, John, & Sons, Inc.:	
Davidson, T. R.:		butter-----	18116
maple sugar candy-----	18101	Redmond, Arthur, Co., Inc.:	
Dixie Canning Co., Inc.:		frozen eggs-----	18119
tomato sauce-----	18138	Rhodes, S. A.:	
Farmers Milk Products Co.:		candy, corn flakes, and sugar--	18103
Cheddar cheese-----	18117	Rhodes Candy Co. <i>See</i> Rhodes,	
Foote, D. E., & Co., Inc.:		S. A.	
canned black-eyed peas-----	18131	River Brand Rice Mills, Inc.:	
Franz, A. R.:		brewers rice-----	18112
frozen blueberries-----	18128	Samor Poultry Co.:	
Golden Grain Macaroni Co.:		dressed poultry-----	18142
macaroni and spaghetti-----	18107		

	N. J. No.		N. J. No.
Southland Frozen Foods, Inc.:		Twin City Wholesale Grocer Co.:	
frozen strawberries-----	18129	tomato catsup-----	18136
Spencer Poultry Co.:		Vermont Confectionery Co., Inc.:	
dressed poultry-----	18144	maple sugar candy-----	18101
State Brand Creameries, Inc.:		Vermont Maple Tree Sugar Co.	
butter-----	18116	<i>See</i> Vermont Confectionery	
Taylor & Sledd:		Co., Inc.	
canned peaches-----	18126	Washington Fish Co.:	
Todd Cheese Products, Inc.:		canned crab meat-----	18123
process cheese-----	18118	Yaquina Bay Fish Co.:	
		frozen halibut fillets-----	18121



FEDERAL REGISTER

The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

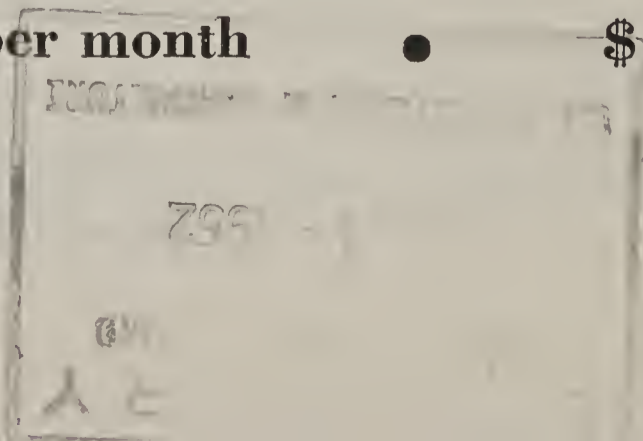
A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

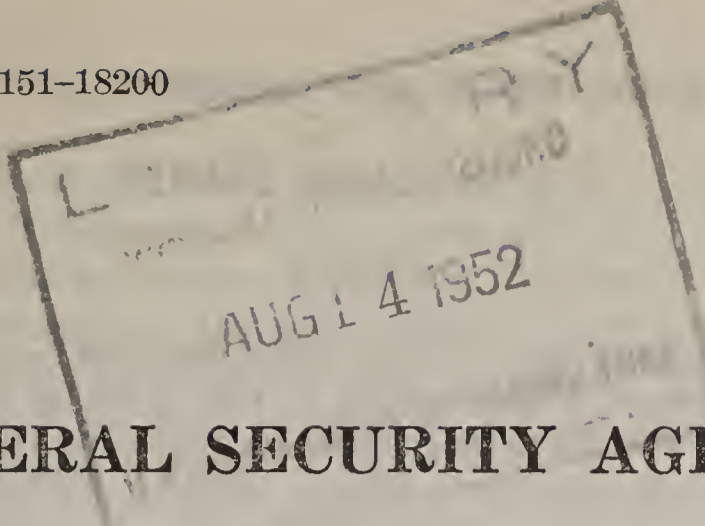
Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month



\$15 per year





FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18151-18200

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 16, 1952.*

CONTENTS

	Page		Page
Candy and sirup.....	68	Fruits and vegetables—Continued	
Candy.....	68	Frozen fruit.....	74
Sirup.....	68	Vegetables and vegetable prod-	
Cereals and cereal products.....	69	ucts.....	75
Corn meal.....	69	Tomatoes and tomato products..	77
Flour.....	70	Nuts and nut products.....	80
Fish and shellfish.....	71	Poultry.....	81
Fruits and vegetables.....	74	Spices, flavors, and seasoning mate-	
Canned fruit.....	74	rials.....	83
Dried fruit.....	74	Index.....	85

CANDY AND SIRUP**CANDY**

18151. Adulteration of candy. U. S. v. Lee Chocolate Co. Plea of nolo contendere. Fine of \$500 on count 1; fine of \$1,000 on counts 2 through 6 suspended and defendant placed on probation for 3 years. (F. D. C. No. 31534. Sample Nos. 898-L, 1002-L, 1003-L, 1005-L, 1006-L, 20764-L.)

INFORMATION FILED: August 28, 1951, Northern District of Georgia, against the Lee Chocolate Co., a corporation, Atlanta, Ga.

ALLEGED SHIPMENT: On or about January 4, 8, 17, 24, and 26, and February 1, 1951, from the State of Georgia into the States of Florida, Alabama, and North Carolina.

LABEL, IN PART: "Chocolate Cherries Av. Wt. 1½ Oz," "Toasted Coconut Average Weight 2 Ozs," and "10¢ Pecan Roll Avg. Wt. 1 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent excreta pellets, and rodent hair fragments; and, Section 402 (a) (4), a portion of the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 28, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$500 on count 1 of the information and a fine of \$1,000 on counts 2 through 6. The court suspended the latter fine, however, and placed the defendant on probation for 3 years.

18152. Misbranding of candy. U. S. v. 72 Boxes * * *. (F. D. C. No. 32378. Sample No. 26370-L.)

LIBEL FILED: December 21, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about November 20, 1951, by Leader Novelty Co., Inc., from Brooklyn, N. Y.

PRODUCT: 72 boxes, each containing 6 6-ounce packages, of candy at Trenton, N. J.

LABEL, IN PART: (Package) "Merry Christmas."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 6 Ozs." was inaccurate.

DISPOSITION: February 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

SIRUP

18153. Adulteration and misbranding of sorghum sirup. U. S. v. 93 Cases * * *. (F. D. C. No. 32344. Sample No. 32600-L.)

LIBEL FILED: January 2, 1952, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 6, 1951, by Joe's Leader Fruit & Produce Co., from East St. Louis, Ill.

PRODUCT: 93 cases, each containing 12 4½-pound cans, of sorghum sirup at St. Louis, Mo.

LABEL, IN PART: "Good Old Country Sorghum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), glucose and sugar sirup had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (b), the product had been offered for sale under the name of another food, namely, sorghum; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: January 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

18154. Misbranding of sorghum sirup. U. S. v. Charles Miller (Charles Miller Produce). Plea of guilty. Defendant fined \$250 and placed on probation for one year. (F. D. C. No. 30605. Sample Nos. 77849-K, 77850-K.)

INFORMATION FILED: On or about August 24, 1951, Western District of Missouri, against Charles Miller, trading as Charles Miller Produce, Joplin, Mo.

INTERSTATE SHIPMENT: On or about October 10, 1950, the defendant shipped from the State of Louisiana, to Joplin, Mo., a number of unlabeled cans of sorghum sirup.

ALLEGED VIOLATION: Between October 10 and November 6, 1950, while the sirup was being held for sale after shipment in interstate commerce, the defendant caused to be affixed to a number of the cans a label which bore, among other things, the following printed and graphic matter: "Sorghum Made From Pure Cane Juice."

On or about November 6, 1950, the defendant sold and delivered a number of cans of the sirup labeled as heretofore described. It was charged that the defendant's act of labeling the cans of sirup resulted in the sirup in the labeled cans being misbranded.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Sorghum Made From Pure Cane Juice" was false and misleading since the statement represented and suggested that the article was sorghum, whereas, the article was not sorghum but was a sirup containing glucose.

DISPOSITION: December 3, 1951. A plea of guilty having been entered, the court imposed a fine of \$250 and placed the defendant on probation for 1 year.

CEREALS AND CEREAL PRODUCTS

CORN MEAL

18155. Adulteration and misbranding of corn meal. U. S. v. 203 Cases * * *. (F. D. C. No. 32549. Sample No. 16984-L.)

LIBEL FILED: February 25, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about December 20 and 26, 1951, and January 2, 1952, by Millstream Cereal Mills, from Bonner Springs, Kans.

PRODUCT: 203 cases, each containing 10 5-pound bags, of white corn meal at Los Angeles, Calif.

LABEL, IN PART: (Bag) "Mammy Lou * * * Enriched Degerminated White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine, riboflavin, niacin, and iron, had been in part omitted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched degerminated white corn meal since it contained less than 2 mgs. of thiamine, less than 1.2 mgs. of riboflavin, less than 16 mgs. of niacin, and less than 13 mgs. of iron in each pound.

DISPOSITION: March 26, 1952. Default decree of condemnation. The court ordered the product sold to be denatured and converted into animal feed, under the supervision of the Federal Security Agency.

FLOUR *

18156. Adulteration of flour. U. S. v. 11 Bags, etc. (F. D. C. No. 31494. Sample Nos. 21664-L, 21665-L.)

LIBEL FILED: August 24, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 27 and August 9, 1951, from Dallas, Tex., and Alton, Ill.

PRODUCT: 35 100-pound bags of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1951. Default decree of condemnation and destruction.

18157. Adulteration of flour. U. S. v. 56 Bags * * *. (F. D. C. No. 31879. Sample No. 18879-L.)

LIBEL FILED: October 8, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about June 5, 1951, from Minneapolis, Minn.

PRODUCT: 56 50-pound bags of flour at Decorah, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 15, 1951. Default decree of condemnation. The court ordered that the product be denatured and sold for use as animal feed.

18158. Adulteration of flour. U. S. v. 73 Bags * * *. (F. D. C. No. 31880. Sample No. 22098-L.)

LIBEL FILED: October 8, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 31, 1951, from Clinton, Mo.

PRODUCT: 73 25-pound bags of flour at Gretna, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. Default decree of condemnation and destruction.

*See also No. 18188.

18159. Adulteration of flour. U. S. v. 57 Bags, etc. (F. D. C. No. 31894. Sample Nos. 22100-L, 22101-L.)

LIBEL FILED: October 12, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 29, 1951, from Fort Worth, Tex.

PRODUCT: 57 25-pound bags and 53 10-pound bags of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

18160. Adulteration of canned sardines. U. S. v. 23 Cases * * *. (F. D. C. No. 32566. Sample No. 37252-L.)

LIBEL FILED: March 6, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about October 6, 1948, from Portland, Maine.

PRODUCT: 23 cases, each containing 100 3¼-ounce cans, of sardines at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 26, 1952. Default decree of condemnation and destruction.

18161. Adulteration of frozen red snappers. U. S. v. 479 Pounds * * *. (F. D. C. No. 32547. Sample No. 38424-L.)

LIBEL FILED: February 27, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about January 21, 25, and 29, 1952, from New Smyrna, Lakeland, and Pensacola, Fla.

PRODUCT: 479 pounds of frozen red snappers in 5 boxes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 26, 1952. Default decree of condemnation and destruction.

18162. Adulteration of lobster tails. U. S. v. 38 Cases * * *. (F. D. C. No. 32365. Sample No. 25811-L.)

LIBEL FILED: December 17, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 5, 1951 by the Duane Import & Export Corp., from Norfolk, Va.

PRODUCT: 38 20-pound cases of lobster tails at Philadelphia, Pa.

LABEL, IN PART: (Box) "Henderson Brand Rock Lobster Tails."

NATURE OF CHARGE: Adulteration, Section 402 (c), the product contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

DISPOSITION: January 28, 1952. The Duane Import & Export Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of removing the adulterated portion from the good and the destruction of the adulterated portion, under the supervision of the Federal Security Agency.

18163. Adulteration and misbranding of oysters. U. S. v. 748 Cans * * *.
(F. D. C. No. 32585. Sample No. 4020-L.)

LIBEL FILED: January 11, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 7, 1952, by the Crescent Seafood Co., from Baltimore, Md.

PRODUCT: 748 1-pint cans of oysters at Xenia, Ohio.

LABEL, IN PART: "Oysters Standards * * * Crescent Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since they were not thoroughly drained and the total time that they were in contact with water after leaving the shucker was more than 30 minutes.

DISPOSITION: January 21, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable and public institutions, for consumption by the inmates.

18164. Adulteration and misbranding of oysters. U. S. v. 434 Cans, etc.
(F. D. C. No. 32383. Sample Nos. 3596-L, 3597-L.)

LIBEL FILED: On or about December 28, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about December 16, 1951, by Guss Forbush & Sons, from Crisfield, Md.

PRODUCT: 518 1-pint cans of oysters at Kane, Pa.

LABEL, IN PART: (Can) "Oysters Standards [or "Selects"] * * * Black Pearl Brand."

NATURE OF CHARGE: Adulteration, Sections 402 (b) (2) and (b) (4), water had been substituted in part for oysters, and it had been added, mixed, and packed with the oysters so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects since the total time that the oysters were in contact with water after leaving the shucker was more than 30 minutes, and they were not thoroughly drained before packing into the containers for shipment.

DISPOSITION: January 21, 1952. Default decree of condemnation and destruction.

18165. Adulteration and misbranding of oysters. U. S. v. 117 Cans, etc. (F. D. C. No. 32376. Sample Nos. 3815-L, 3816-L.)

LIBEL FILED: December 27, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about December 15, 1951, by the York River Seafood Co., from Seaford, Va.

PRODUCT: 204 1-pint cans of oysters at Charlotte, N. C.

LABEL, IN PART: (Can) "Oysters Standards [or "Selects"] Bay Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects since they were not thoroughly drained and the total time that they were in contact with water after leaving the shucker was more than 30 minutes.

DISPOSITION: January 18, 1952. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution, for use as animal feed.

18166. Adulteration and misbranding of oysters. U. S. v. 144 Cans * * *.
(F. D. C. No. 32329. Sample No. 4219-L.)

LIBEL FILED: December 28, 1951, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about December 20, 1951, from Remlik, Va.

PRODUCT: 144 1-pint cans of oysters at Nashville, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters selects since they were not thoroughly drained and were in contact with water after leaving the shucker for more than 30 minutes.

DISPOSITION: January 30, 1952. By agreement between the possessor, the Anderson Fish & Oyster Co., and the Government, the product was donated to, and used by, charitable institutions.

18167. Adulteration of frozen shrimp. U. S. v. 11 Cartons * * *. (F. D. C. No. 32005. Sample No. 23233-L.)

LIBEL FILED: November 9, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 10, 1951, by the Los Angeles Provision Co., from Guaymas, Sonora, Mexico.

PRODUCT: 11 cartons, each containing 10 5-pound packages, of frozen shrimp at New York, N. Y.

LABEL, IN PART: (Package) "Jumbled Jumbo Peeled Fresh Frozen Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: November 28, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES**CANNED FRUIT**

18168. Misbranding of canned pears. U. S. v. 1,316 Cases * * *. (F. D. C. No. 32298. Sample Nos. 13595-L, 13899-L.)

LIBEL FILED: December 27, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about September 10, 1951, by Libby, McNeill & Libby, from Brooklyn, Oreg.

PRODUCT: 1,316 cases, each containing 24 1-pound, 13-ounce cans, of pears at Denver, Colo.

LABEL, IN PART: "Rose-Dale Bartlett Pear Halves In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since not all of the pear units of the article were untrimmed or so trimmed as to preserve normal shape, and more than 10 percent of the pear units in a container of 10 or more units and more than one unit in a container of less than 10 units were crushed and broken; and the label of the article failed to bear a statement that the article fell below such standard.

DISPOSITION: April 11, 1952. Libby, McNeill & Libby, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

DRIED FRUIT

18169. Adulteration of dried peaches. U. S. v. 999 Cases * * *. (F. D. C. No. 30898. Sample No. 27637-L.)

LIBEL FILED: April 23, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 28, 1951, by Joseph Coughlin, from Modesto, Calif.

PRODUCT: 999 30-pound cases of dried peaches at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: December 11, 1951. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

FROZEN FRUIT

18170. Adulteration and misbranding of frozen strawberries. U. S. v. 1,420 Cans * * *. (F. D. C. No. 30994. Sample No. 15989-L.)

LIBEL FILED: June 12, 1951, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about May 25, 1951, by the Onda Canning Co., from Kansas City, Mo.

PRODUCT: 1,420 cans of frozen strawberries at Oklahoma City, Okla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: October 26, 1951. The Kelly Canning Co., sometimes known as the Onda Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. The strawberries were subsequently disposed of as hog feed, and the cans and lids were salvaged by the claimant.

18171. Adulteration of frozen strawberries. U. S. v. 599 Crates, etc. (F. D. C. No. 31158. Sample Nos. 9528-L to 9530-L, incl.)

LIBEL FILED: June 5, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 2, 12, and 16, 1951, by the Bateman Frozen Food Co., from Macon, Ga.

PRODUCT: 1,907 crates, each containing 24 quarts, of frozen strawberries at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: October 25, 1951. The Bateman Frozen Food Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 25,970 pounds of the product was found unfit and was destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

18172. Adulteration of pinto beans. U. S. v. 86 Cartons * * *. (F. D. C. No. 32356. Sample Nos. 18948-L, 35276-L.)

LIBEL FILED: January 5, 1952, District of North Dakota.

ALLEGED SHIPMENT: On or about April 17 and July 6, 1951, from Glendive, Mont.

PRODUCT: 86 cartons, each containing 30 2-pound bags, of pinto beans at Fargo, N. Dak.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was musty and unfit for food. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 28, 1952. The International Elevator Co., Fargo, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

18173. Adulteration of canned peas. U. S. v. 24 Cases * * *. (F. D. C. No. 32367. Sample No. 5903-L.)

LIBEL FILED: On or about January 3, 1952, District of Rhode Island.

ALLEGED SHIPMENT: On or about November 27, 1951, by the Naples Food Products, from Watertown, Mass.

PRODUCT: 24 cases, each containing 24 1-pound, 4-ounce cans, of peas at Providence, R. I.

LABEL, IN PART: (Can) "Naples Brand Ceci Chick Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: February 8, 1952. Default decree of condemnation and destruction.

18174. Misbranding of canned peas. U. S. v. 72 Cases * * *. (F. D. C. No. 32357. Sample No. 22411-L.)

LIBEL FILED: January 7, 1952, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 21, 1951, by the Winorr Canning Co., from Circleville, Ohio.

PRODUCT: 72 cases, each containing 24 1-pound cans, of peas at New Orleans, La.

LABEL, IN PART: "Werthmor Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since it was a smooth-skin variety of peas and the alcohol-insoluble solids of the peas in the container were more than 23.5 percent; and its label failed to bear, as prescribed by regulations, a statement that the product fell below the standard of quality.

DISPOSITION: February 7, 1952. Default decree of condemnation and destruction.

18175. Adulteration of potatoes. U. S. v. 291 Sacks * * * (and 1 other seizure action). (F. D. C. Nos. 32340, 32350 to 32352, incl. Sample Nos. 27342-L, 27541-L to 27544-L, incl.)

LIBELS FILED: January 8, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about December 3, 1951, by V. L. Adams, from Sparks, Nev.

PRODUCT: 291 100-pound sacks and 257 100-pound bags of potatoes at San Francisco, Calif.

LABEL, IN PART: "VLA Brand Russet Potatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: February 14, 1952. L. Blumenthal & Sons, San Francisco, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Federal Security Agency.

18176. Adulteration of sauerkraut. U. S. v. 147 Cases * * *. (F. D. C. No. 32345. Sample No. 7882-L.)

LIBEL FILED: January 2, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 11 and 24 and February 19, 1951, from Albion, N. Y.

PRODUCT: 147 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

TOMATOES AND TOMATO PRODUCTS

18177. Adulteration of canned tomatoes. U. S. v. 290 Cases, etc. (F. D. C. No. 32381. Sample Nos. 5568-L, 5569-L.)

LIBEL FILED: December 27, 1951, District of Maine.

ALLEGED SHIPMENT: On or about November 2, 1951, by the McCarthy Canning Co., from Summitville, Ind.

PRODUCT: Tomatoes. 290 cases, each containing 24 1-pound, 12-ounce cans (with red labels), and 282 cases, each containing 24 1-pound, 12-ounce cans (with white labels), at Portland, Maine.

LABEL, IN PART: (Can) "Nation Wide Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material (cans with red labels), and of a filthy substance by reason of the presence of fly eggs and maggots (cans with white labels).

DISPOSITION: February 25, 1952. Default decree of condemnation and destruction.

18178. Adulteration of canned tomatoes. U. S. v. 102 Cases * * *. (F. D. C. No. 32389. Sample No. 25969-L.)

LIBEL FILED: January 2, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1951, by Albert W. Sisk & Son, from Swards, Md.

PRODUCT: 102 cases, each containing 24 1-pound cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 23, 1952. No claimant having appeared and the shipper having disclaimed interest in the property, judgment of condemnation was entered and the court ordered that the product be destroyed.

18179. Adulteration of canned tomatoes. U. S. v. 59 Cases * * *. (F. D. C. No. 32371. Sample No. 25967-L.)

LIBEL FILED: December 20, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1951, by Albert W. Sisk & Son, from Swards, Md.

PRODUCT: 59 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Farm Fresh Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 21, 1952. No claimant having appeared and the shipper having disclaimed any interest in the property, judgment of condemnation was entered and the court ordered that the product be destroyed.

18180. Misbranding of canned tomatoes. U. S. v. 649 Cases * * *. (F. D. C. No. 31887. Sample No. 11012-L.)

LIBEL FILED: October 11, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about September 18, 1951, by the Gibsonburg Canning Co., Inc., from Gibsonburg, Ohio.

PRODUCT: 649 cases, each containing 24 1-pound cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: "Avondale Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and the label of the article failed to bear in such manner and form as the regulations require a statement declaring added calcium.

DISPOSITION: January 7, 1952. The Kroger Co., Louisville, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18181. Misbranding of canned tomatoes. U. S. v. 64 Cases * * *. (F. D. C. No. 32550. Sample No. 13013-L.)

LIBEL FILED: February 27, 1952, District of New Mexico.

ALLEGED SHIPMENT: On or about July 20, 1951, by the Texas Coastal Foods Co., from Edinburg, Tex.

PRODUCT: 64 cases, each containing 48 10-ounce cans, of tomatoes at Clovis, N. Mex.

LABEL, IN PART: (Can) "Tomatoes Hand Packed Reagan's Brand * * * Reagan Canning Company McAllen, Texas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it failed to meet the requirement for color as prescribed by such standard, and the label failed to bear a statement that the product fell below such standard; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned tomatoes since it contained less than 90% of the total capacity of the container, and the label failed to bear a statement that the product fell below such standard.

DISPOSITION: March 27, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18182. Adulteration and misbranding of tomato catsup. U. S. v. 35 Cases * * *. (F. D. C. No. 32368. Sample No. 13302-L.)

LIBEL FILED: On or about December 27, 1951, District of New Mexico.

ALLEGED SHIPMENT: On or about July 10, 1951, by Delta Canning Co., Inc., from Raymondville, Tex.

PRODUCT: 35 cases, each containing 6 6-pound, 15-ounce cans, of tomato catsup at Albuquerque, N. Mex.

LABEL, IN PART: (Can) "Jocko Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 28, 1952. Default decree of condemnation and destruction.

18183. Adulteration of tomato puree. U. S. v. 269 Cases * * *. (F. D. C. No. 32370. Sample No. 26093-L.)

LIBEL FILED: December 20, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 20 and November 8, 1951, by Clement Pappas & Co., from Cedarville, N. J.

PRODUCT: 269 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: (Can) "3-C Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: April 2, 1952. Default decree of condemnation and destruction.

18184. Adulteration of tomato puree. U. S. v. 149 Cases * * *. (F. D. C. No. 32235. Sample No. 25050-L.)

LIBEL FILED: On or about January 28, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about October 5, 1951, by the Penn's Manor Canning Co., from Bristol, Pa.

PRODUCT: 149 cases, each containing 24 1-pound, 13-ounce cans, of tomato puree at Camden, N. J.

LABEL, IN PART: (Can) "Penn's Manor Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 7, 1952. Default decree of condemnation and destruction.

18185. Adulteration of tomato puree. U. S. v. 7 Cases * * *. (F. D. C. No. 31867. Sample No. 20950-L.)

LIBEL FILED: October 9, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 29, 1951, by the Harlingen Canning Co., from Harlingen, Tex.

PRODUCT: 7 cases, each containing 48 10½-ounce cans, of tomato puree at Shreveport, La.

LABEL, IN PART: (Can) "Silver Valley Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

NUTS AND NUT PRODUCTS

18186. Adulteration of unshelled pecans. U. S. v. 9 Unlabeled Bags * * *.
(F. D. C. No. 32342. Sample No. 35694-L.)

LIBEL FILED: December 29, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On various dates during November 1951, by W. H. Richter, from Cairo, Ga.

PRODUCT: 9 unlabeled 100-pound bags of unshelled pecans at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: January 30, 1952. Default decree of condemnation and destruction.

18187. Adulteration of unshelled pecans. U. S. v. 6 Unlabeled Bags * * *.
(F. D. C. No. 32533. Sample No. 1967-L.)

LIBEL FILED: February 18, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about January 4, 1952, by the Gold Kist Pecan Growers, from Waycross, Ga.

PRODUCT: 6 unlabeled 100-pound bags of unshelled pecans at Miami Beach, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecans.

DISPOSITION: March 19, 1952. Default decree of condemnation and destruction.

18188. Adulteration of shelled pecans and flour. U. S. v. 3 Cases, etc. (F. D. C. No. 32334. Sample Nos. 35433-L, 35434-L.)

LIBEL FILED: December 28, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about February 12 and October 12, 1951, from Memphis, Tenn., and Kansas City, Mo.

PRODUCT: 3 30-pound cases of shelled pecans and 13 50-pound bags of flour at Des Moines, Iowa, in possession of Institutional Wholesale Groceries, Inc.

NATURE OF CHARGE: Shelled pecans. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecans.

Flour. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

Both products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 25, 1952. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution, for use as animal feed.

18189. Adulteration of coconut. U. S. v. 12 Bags, etc. (F. D. C. No. 31609. Sample Nos. 32203-L, 32204-L.)

LIBEL FILED: August 10, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: From the Philippines prior to 1951.

PRODUCT: 20 100-pound bags of coconut at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of mites, rodent hair fragments, and rodent excreta, and of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 19, 1951. Default decree of condemnation and destruction.

POULTRY

18190. Adulteration of dressed poultry. U. S. v. Litchfield Produce Co., a corporation, and Arthur F. Peifer. Pleas of guilty. Fine of \$1,500 against corporation; individual fined \$1,000 and placed on probation for 3 years. (F. D. C. No. 30062. Sample No. 57176-K.)

INFORMATION FILED: December 21, 1950, District of Minnesota, against the Litchfield Produce Co., Litchfield, Minn., and Arthur F. Peifer, president of the corporation.

ALLEGED SHIPMENT: On or about August 15, 1950, from the State of Minnesota into the State of Connecticut.

LABEL, IN PART: "Majestic Brand Poultry * * * Wilson & Co., Inc. Distributors * * * General Offices Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal matter and rodent excreta; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,500 against the corporation and a fine of \$1,000 against the individual and placed the individual on probation for 3 years.

18191. Adulteration of dressed poultry. U. S. v. 1,205 Pounds * * *. (F. D. C. No. 31726. Sample No. 25791-L.)

LIBEL FILED: September 25, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 11, 1951, by the Samor Poultry Co., from Wilmington, Del.

PRODUCT: 1,205 pounds of dressed poultry in 14 crates at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: January 21, 1952. Default decree of condemnation. The court ordered that 1 crate of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18192. Adulteration of dressed poultry. U. S. v. 1,079 Pounds * * *. (F. D. C. No. 32575. Sample No. 3272-L.)

LIBEL FILED: February 29, 1952, District of Columbia.

ALLEGED SHIPMENT: On or about February 27, 1952, by the Wm. Schluderberg-T. J. Kurdle Co., Cordova Poultry Plant, from Cordova, Md.

PRODUCT: 1,079 pounds of dressed poultry in 16 crates at Washington, D. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material; and, Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

DISPOSITION: March 26, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

18193. Adulteration of dressed poultry. U. S. v. 230 Pounds * * *. (F. D. C. No. 31725. Sample No. 25792-L.)

LIBEL FILED: September 25, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 13, 1951, by Sy Weinberg, from Norma, N. J.

PRODUCT: 230 pounds of dressed poultry in 1 barrel at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: January 21, 1952. Default decree of condemnation. The court ordered that a portion of the article be delivered to the Federal Security Agency and that the remainder be destroyed.

18194. Adulteration of frozen dressed turkeys. U. S. v. 18 Boxes * * *. (F. D. C. No. 32373. Sample No. 32957-L.)

LIBEL FILED: January 30, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 6, 1951, by Fox DeLuxe Foods, Inc., from Barron, Wis.

PRODUCT: 18 boxes, each containing approximately 84 pounds, of frozen dressed turkeys at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

DISPOSITION: February 12, 1952. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

18195. Adulteration of capsicum. U. S. v. 86 Bags * * *. (F. D. C. No. 31893. Sample No. 27651-L.)

LIBEL FILED: October 12, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about June 11, 1951, from New York, N. Y.

PRODUCT: 86 74-pound bags of capsicum at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1951. H. M. Newhall & Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Federal Security Agency. As a result of the reconditioning process, 1,007 pounds of the product were found unfit and were destroyed.

18196. Adulteration of caraway seed. U. S. v. 4 Bags * * *. (F. D. C. No. 31888. Sample No. 18889-L.)

LIBEL FILED: October 12, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about August 23, 1951, by Louis Furth, Inc., from New York, N. Y.

PRODUCT: 4 109-pound bags of caraway seed at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

DISPOSITION: November 23, 1951. A default decree was entered directing that the product be destroyed unless denatured for use as animal feed.

18197. Adulteration of paprika. U. S. v. 2 Bags, etc. (F. D. C. No. 31876. Sample No. 21591-L.)

LIBEL FILED: October 15, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about January 17, 1951, from New Orleans, La.

PRODUCT: 2 25-pound bags and 10 1-pound bags of paprika at Hattiesburg, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 8, 1951. Default decree of condemnation and destruction.

18198. Adulteration and misbranding of french dressing. U. S. v. 239 Jars * * *. (F. D. C. No. 31601. Sample No. 31182-L.)

LIBEL FILED: On or about August 16, 1951, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about June 26 and July 3, 1951, by Allen Foods, Inc., from St. Louis, Mo.

PRODUCT: 239 1-gallon jars of french dressing at Chanute Air Force Base, Rantoul, Ill.

LABEL, IN PART: "Lasco Brand French Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for french dressing since it contained less than 35 percent of vegetable oil, the minimum permitted by the definition and standard.

DISPOSITION: December 11, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18199. Adulteration and misbranding of french dressing. U. S. v. 14 Cases * * *. (F. D. C. No. 31659. Sample No. 4497-L.)

LABEL FILED: August 30, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about May 28 and August 1, 1951, by the Holsum Products Co., from Brooklyn, N. Y., and Baltimore, Md.

PRODUCT: 14 cases, each containing 4 1-gallon jars, of french dressing at Washington, D. C.

LABEL, IN PART: (Jar) "Dyco Deluxe French Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for french dressing since it contained less than 35 percent by weight of vegetable oil, the minimum permitted by the definition and standard.

DISPOSITION: October 1, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution for its use and not for sale.

18200. Misbranding of french dressing. U. S. v. 5 Cases * * *. (F. D. C. No. 31680. Sample No. 28956-L.)

LABEL FILED: September 21, 1951, District of Alaska.

ALLEGED SHIPMENT: On or about August 22, 1951, by the Log House Products Co., from Portland, Oreg.

PRODUCT: 5 cases, each containing 24 8-ounce bottles, of french dressing at Fairbanks, Alaska.

LABEL, IN PART: (Bottle) "Leonora's French Salad Dressing."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for french dressing since it contained less than 35 percent by weight of vegetable oil, the minimum permitted by the definition and standard.

DISPOSITION: November 29, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18151 TO 18200

PRODUCTS			
		N. J. No.	N. J. No.
Beans, pinto	18172	Paprika	18197
Candy	18151, 18152	Peaches, dried	18169
Capsicum	18195	Pears, canned	18168
Caraway seed	18196	Peas, canned	18173, 18174
Catsup, tomato	18182	Pecans, shelled	18188
Cereals and cereal products	18155-18159, 18188	unshelled	18186, 18187
Chickens. See Poultry.		Pinto beans	18172
Coconut	18189	Potatoes	18175
Corn meal	18155	Poultry	18190-18194
Fish and shellfish	18160-18167	Sardines, canned	18160
Flavors. See Spices, flavors, and seasoning materials.		Sauerkraut	18176
Flour	18156-18159, 18188	Shellfish. See Fish and shellfish.	
French dressing	18198-18200	Shrimp, frozen	18167
Fruits and vegetables	18168-18185	Sirup, sorghum	18153, 18154
fruit, canned	18168	Snappers, red, frozen (fish)	18161
dried	18169	Sorghum sirup	18153, 18154
frozen	18170, 18171	Spices, flavors, and seasoning materials	18195-18200
tomatoes and tomato products	18177-18185	Strawberries, frozen	18170, 18171
vegetables and vegetable products	18172-18176	Tomatoes, canned	18177-18181
Lobster tails	18162	catsup	18182
Nuts and nut products	18186-18189	puree	18183-18185
Oysters	18163-18166	Turkeys. See Poultry.	
		Vegetables. See Fruits and vegetables.	

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

		N. J. No.	N. J. No.
Adams, V. L.:		Furth, Louis, Inc.:	
potatoes	18175	caraway seed	18196
Allen Foods, Inc.:		Gibsonburg Canning Co., Inc.:	
french dressing	18198	canned tomatoes	18180
Bateman Frozen Food Co.:		Gold Kist Pecan Growers:	
frozen strawberries	18171	unshelled pecans	18187
Coughlin, Joseph:		Harlingen Canning Co.:	
dried peaches	18169	tomato puree	18185
Crescent Seafood Co.:		Holsum Products Co.:	
oysters	18163	french dressing	18199
Delta Canning Co., Inc.:		Institutional Wholesale Groceries, Inc.:	
tomato catsup	18182	shelled pecans and flour	18188
Duane Import & Export Corp.:		Joe's Leader Fruit & Produce Co.:	
lobster tails	18162	sorghum sirup	18153
Forbush, Guss, & Sons:		Leader Novelty Co., Inc.:	
oysters	18164	candy	18152
Fox DeLuxe Foods, Inc.:			
frozen dressed turkeys	18194		

	N. J. No.		N. J. No.
Lee Chocolate Co.:		Peifer, A. F.:	
candy -----	18151	dressed poultry -----	18190
Libby, McNeill & Libby:		Penn's Manor Canning Co.:	
canned pears -----	18168	tomato puree -----	18184
Litchfield Produce Co.:		Reagan Canning Co.:	
dressed poultry -----	18190	canned tomatoes -----	18181
Log House Products Co.:		Richter, W. H.:	
french dressing -----	18200	unshelled pecans -----	18186
Los Angeles Provision Co.:		Samor Poultry Co.:	
frozen shrimp -----	18167	dressed poultry -----	18191
McCarthy Canning Co.:		Schluderberg, Wm. - T. J. Kurdle	
canned tomatoes -----	18177	Co., Cordova Poultry Plant:	
Miller, Charles:		dressed poultry -----	18192
sorghum sirup -----	18154	Sisk, Albert W., & Son:	
Miller, Charles, Produce. <i>See</i>		canned tomatoes -----	18178, 18179
Miller, Charles.		Texas Coastal Foods Co.:	
Millstream Cereal Mills:		canned tomatoes -----	18181
corn meal -----	18155	Weinberg, Sy:	
Naples Food Products:		dressed poultry -----	18193
canned peas -----	18173	Wilson & Co., Inc.:	
Onda Canning Co.:		dressed poultry -----	18190
frozen strawberries -----	18170	Winorr Canning Co.:	
Pappas, Clement, & Co.:		canned peas -----	18174
tomato puree -----	18183	York River Seafood Co.:	
		oysters -----	18165

32 Nf

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18201-18250

FOODS

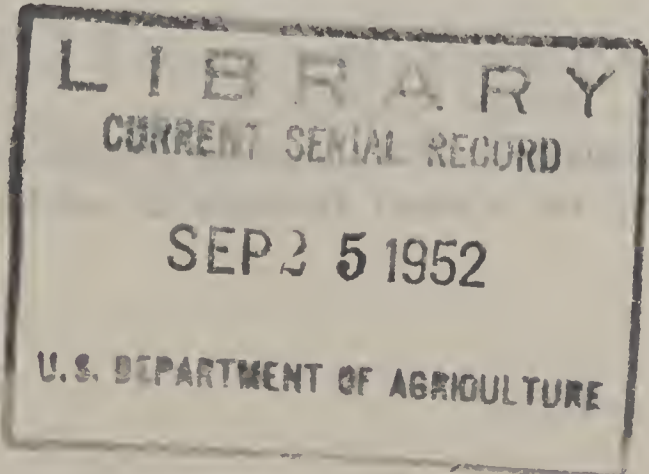
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., August 7, 1952.

CONTENTS

	Page		Page
Candy, icing, and sirup.....	88	Fish and shellfish.....	96
Candy.....	88	Fruits and vegetables.....	99
Icing.....	88	Canned fruit.....	99
Sirup.....	89	Frozen fruit.....	99
Cereals and cereal products.....	90	Miscellaneous fruit products....	100
Corn meal.....	90	Vegetables.....	101
Flour.....	91	Tomatoes and tomato products..	101
Rice.....	92	Nuts and nut products.....	103
Dairy products.....	93	Spices, flavors, and seasoning	
Butter.....	93	materials.....	104
Cheese.....	93	Miscellaneous food.....	104
Miscellaneous dairy products....	94	Index.....	105
Eggs.....	95		



CANDY, ICING, AND SIRUP**CANDY**

18201. Misbranding of candy. U. S. v. 228 Boxes, etc. (F. D. C. No. 32379. Sample No. 5839-L.)

LIBEL FILED: December 26, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 10, 1951, by Kandy Kettle, from Pawtucket, R. I.

PRODUCT: 228 1-pound boxes and 9 2-pound boxes of candy at Boston, Mass.

LABEL, IN PART: (Box) "Fancy Ribbon Candy."

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), the product contained artificial color and flavor and failed to bear labeling stating that fact.

DISPOSITION: February 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18202. Misbranding of candy. U. S. v. 82 Boxes * * *. (F. D. C. No. 32483. Sample No. 9304-L.)

LIBEL FILED: February 7, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 30 and November 5 and 14, 1951, by the Joe Franklin Myers Industries, from Dallas, Tex.

PRODUCT: 82 cases, each containing 12 11-ounce packages, of candy at Chicago, Ill. Enclosed in each case was a display placard headed "Energy Sticklets."

LABEL, IN PART: (Package) "Energy Sticklets."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Low Calorie Candies * * * A blessing for people on diets" appearing on the display placard headed "Energy Sticklets" were false and misleading. These statements represented and suggested that the article was a special type of candy, low in caloric value, and particularly useful to individuals on reducing diets. The article was an ordinary type of hard candy, high in caloric value, and of no special value for people on diets.

DISPOSITION: April 1, 1952. The Joe Franklin Myers Industries, Dallas, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for bringing into compliance with the law, by destruction of the placard headed "Energy Sticklets," under the supervision of the Federal Security Agency.

ICING

18203. Adulteration of chocolate icing mix. U. S. v. 3 Bags * * *. (F. D. C. No. 31682. Sample No. 22074-L.)

LIBEL FILED: September 14, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about February 22 and May 14, 1951, from Atlanta, Ga.

PRODUCT: 3 25-pound bags of chocolate icing mix at Mobile, Ala.

NATURE OF CHARGE. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1951. Default decree of condemnation and destruction.

SIRUP

18204. Adulteration and misbranding of sorghum sirup. U. S. v. 340 Cases
* * *. (F. D. C. No. 32391. Sample No. 31467-L.)

LIBEL FILED: January 4, 1952, Southern District of Illinois.

ALLEGED SHIPMENT: On or about December 6, 1951, by H. Norris or Norris Syrup Co., from West Monroe, La.

PRODUCT: 340 cases, each containing 12 5-pound cans, of sirup at Granite City, Ill.

LABEL, IN PART: (240 cases) "Good Old Country Sorghum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum, sugar, and corn sirup had been substituted in whole or in part for sorghum.

Misbranding. Section 403 (b), the product was offered for sale under the name of another food; Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and it failed to bear the common or usual name of each such ingredient. Further misbranding, Section 403 (a), the label statement "Sorghum" was false and misleading as applied to a product composed of sorghum, sugar, and corn sirup. The product was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: January 14, 1952. J. R. Lewis, claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond in lieu of destruction for relabeling and/or resale under the supervision of the Federal Security Agency.

18205. Adulteration and misbranding of sorghum sirup. U. S. v. 39 Cans * * *
(and 1 other seizure action). (F. D. C. Nos. 32331, 32335. Sample Nos. 34391-L, 34393-L.)

LIBELS FILED: December 27, 1951, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about November 21, 1951, by C. L. Crum, from Shannon, Miss.

PRODUCT: 76 9½-pound cans of sirup at Du Quoin, Ill.

LABEL, IN PART: "Sorghum Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of glucose and sucrose sirup had been substituted in whole or in part for sorghum sirup.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: March 29, 1952. Default decrees of condemnation. The court ordered that the product be delivered to a charitable institution.

18206. Adulteration and misbranding of sorghum sirup. U. S. v. 37 Cases * * *.
(F. D. C. No. 32409. Sample No. 32330-L.)

LIBEL FILED: January 9, 1952, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 16, 1951, from West Monroe, La.

PRODUCT: 37 cases, each containing 12 4½-pound cans, of sirup at Quincy, Ill.
The product had been shipped unlabeled to J. R. Lewis, Granite City, Ill., who affixed sorghum labels and delivered it to a retail dealer at Quincy, Ill.

LABEL, IN PART: "Good Old Country Sorghum * * * J. R. Lewis."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum, sugar, and corn sirup had been substituted in whole or in part for sorghum; and, Section 402 (b) (4), sugar and corn sirup had been added to the product and mixed and packed with it so as to increase its bulk or weight.

Misbranding, Section 403 (a), the label statement "Sorghum" was false and misleading as applied to a mixture of sorghum, sugar, and corn sirup. Further misbranding, Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: March 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for resale.

CEREALS AND CEREAL PRODUCTS

CORN MEAL

18207. Adulteration and misbranding of yellow corn meal. U. S. v. 75 Cases * * *. (F. D. C. No. 32395. Sample No. 28649-L.)

LIBEL FILED: January 3, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about October 30, 1951, by the Millstream Cereal Co., from Bonner Springs, Kans.

PRODUCT: 75 cases, each containing 10 5-pound bags, of yellow corn meal at Fresno, Calif.

LABEL, IN PART: (Bag) "Mammy Lou * * * Enriched Degerminated Yellow Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine, riboflavin, and niacin, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched yellow corn meal since it contained in each pound less than 2 mgs. of thiamine, less than 1.2 mg. of riboflavin, and less than 16 mgs. of niacin.

DISPOSITION: February 6, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

FLOUR

18208. Adulteration of flour. U. S. v. 474 Bags, etc. (F. D. C. No. 31884, Sample Nos. 20843-L to 20845-L, incl.)

LIBEL FILED: October 9, 1951, Northern District of Alabama.

ALLEGED SHIPMENT: On or about March 30, May 17, July 23, and August 10, 1951, from Wichita Falls, Tex., or Louisville, Ky.

PRODUCT: 474 10-pound bags and 330 25-pound bags of flour at Anniston, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 31, 1951. Chastain-Roberts Co., Anniston, Ala., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

18209. Adulteration of flour. U. S. v. 210 Bags * * *. (F. D. C. No. 32358. Sample Nos. 20902-L, 20903-L.)

LIBEL FILED: January 7, 1952, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 13, October 12 and 26, November 17, and December 7, 1951, from Leavenworth, Kans.

PRODUCT: 210 25-pound bags of flour at Baton Rouge, La., in possession of Louis Levy Grocer Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 18, 1952. Default decree of condemnation and destruction.

18210. Adulteration of flour. U. S. v. 43 Bags, etc. (F. D. C. No. 32467. Sample Nos. 48238-L to 48240-L, incl.)

LIBEL FILED: January 28, 1952, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 13 and 16 and December 11 and 28, 1951, from Wabasha, Minn., Wichita, Kans., and Omaha, Nebr.

PRODUCT: 57 50-pound bags of flour at Waterloo, Iowa, in possession of the Nash-Finch Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 28, 1952. Default decree of condemnation. The court ordered that the product be sold, conditioned that it be denatured or otherwise reprocessed into animal feed and disposed of for such purpose.

18211. Adulteration of self-rising flour. U. S. v. 23 Bags, etc. (F. D. C. No. 31891. Sample Nos. 21593-L, 22123-L.)

LIBEL FILED: October 12, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 6 and September 13, 1951, from Jackson, Miss.

PRODUCT: 23 50-pound bags and 8 100-pound bags of self-rising flour at Bogalusa, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 23, 1951. Default decree of condemnation and destruction.

18212. Adulteration of flour and rice. U. S. v. 237 Bags, etc. (F. D. C. No. 31492. Sample Nos. 22059-L, 22061-L.)

LIBEL FILED: September 6, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about July 21, 1951, from Hays, Kans.

PRODUCT: 237 25-pound bags of flour, and 24 cases, each containing 48 1-pound packages, of rice at Woodville, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 20, 1951. Default decree of condemnation. The court ordered that in lieu of destruction the products be released and delivered to some charitable institution for use as animal feed.

RICE*

18213. Adulteration of rice. U. S. v. 1,100 Bags * * *. (F. D. C. No. 32413. Sample No. 22408-L.)

LIBEL FILED: January 9, 1952, District of Puerto Rico.

ALLEGED SHIPMENT: On or about November 17, 1951, by Liberty Rice Mills, Inc., from Kaplan, La.

PRODUCT: 1,100 100-pound bags of rice at Ponce, P. R.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 18, 1952. Monllor & Boscio, Sucrs., Inc., Ponce, P. R., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for fumigating, delousing, and a thorough cleaning to remove insects and insect parts, under the supervision of the Department of Health of Puerto Rico as the duly authorized representative of the Federal Security Administrator.

*See also No. 18212.

18214. Adulteration of rice. U. S. v. 20 Bags * * *. (F. D. C. No. 32406. Sample Nos. 1128-L, 1133-L.)

LIBEL FILED: January 8, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 16, 1951, by the El Campo Rice Milling Co., from El Campo, Tex.

PRODUCT: 20 100-pound bags of rice at Tampa, Fla.

LABEL, IN PART: (Bag) "Fiesta Finest Long Grain Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: March 10, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

18215. Adulteration of rice. U. S. v. 60 Cases * * *. (F. D. C. No. 32451. Sample No. 4224-L.)

LIBEL FILED: On or about January 23, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about October 15, 1951, by Republic Rice Mill, Inc., from Gueydan, La.

PRODUCT: 60 cases, each containing 6 1-pound bags, of rice at Baltimore, Md.

LABEL, IN PART: (Bag) "Poppy Brand Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, rodent excreta, and rodent hairs.

DISPOSITION: February 26, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

DAIRY PRODUCTS

BUTTER

18216. Adulteration of butter. U. S. v. 300 Pounds * * *. (F. D. C. No. 32455. Sample No. 26198-L.)

LIBEL FILED: January 24, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 16, 1952, by F. G. Alouf, from Roanoke, Va.

PRODUCT: 300 pounds of butter in 6 unlabeled cans at Methuen, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, beetles, beetle parts, dirt, and other foreign material.

DISPOSITION: March 17, 1952. Default decree of condemnation and destruction.

CHEESE

18217. Adulteration of Cheddar cheese. U. S. v. Albert M. Feiner (Ethan Dairy Products). Plea of guilty. Fine, \$50. (F. D. C. No. 30610. Sample No. 18956-L.)

INFORMATION FILED: July 19, 1951, District of South Dakota, against Albert M. Feiner, trading as Ethan Dairy Products, Ethan, S. Dak.

ALLEGED VIOLATION: On or about June 20, 1949, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, a guaranty to the effect that cheese delivered by the defendant under the guaranty would not be adulterated. On or about December 28, 1950, the defendant caused to be shipped on the order of the holder of the guaranty, to Sioux Falls, S. Dak., a quantity of Cheddar cheese that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, manure, cow hairs, rodent hairs, sediment, rodent-gnawed cheese, and rodent excreta pellets; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 3, 1951. A plea of guilty having been entered, the court imposed a fine of \$50.

18218. Adulteration of American process cheese. U. S. v. 298 Cases * * *.
(F. D. C. No. 32508. Sample No. 33117-L.)

LIBEL FILED: February 14, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 22, 1952, by the Pauly & Pauly Cheese Co., from Green Bay, Wis.

PRODUCT: 298 cases, each containing 12 8-ounce packages, of American process cheese at Chicago, Ill.

LABEL, IN PART: (Package) "Sliced Glendale Pasteurized Process American Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product contained an added poisonous and deleterious substance, dehydroacetic acid, which was unsafe since it is a substance not required in the production of this food and can be avoided by good manufacturing practice.

DISPOSITION: April 9, 1952. Default decree of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCTS

18219. Adulteration of sweetened condensed whole milk. U. S. v. 31,052 Pounds * * *. (F. D. C. No. 32382. Sample No. 1942-L.)

LIBEL FILED: December 26, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 27, 1951, by the Prairie Farms Creamery, from Bloomington, Ill.

PRODUCT: 31,052 pounds of sweetened condensed whole milk in 56 drums at Miami, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it was made from filthy milk and contained insects, insect parts, rodent hairs, and manure.

DISPOSITION: March 27, 1952. The Prairie Farms Creamery, Bloomington, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

18220. Adulteration of sweetened condensed skim milk. U. S. v. 2 Barrels * * *.
(F. D. C. No. 31889. Sample No. 13432-L.)

LIBEL FILED: October 15, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about August 13, 1951, by the Central Dairy Co., from Columbia, Mo.

PRODUCT: 2 barrels of sweetened condensed skim milk at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: November 20, 1951. Default decree of condemnation and destruction.

EGGS

18221. Adulteration and misbranding of frozen eggs. U. S. v. 75 Unlabeled Cans * * * (and 1 other seizure action). (F. D. C. Nos. 32392, 32393. Sample Nos. 9662-L, 9663-L.)

LIBELS FILED: January 7, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 24, 1951, by Roberts Egg Products Co., from Kansas City, Kans.

PRODUCT: 170 unlabeled cans of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the product purported to be frozen whole eggs, and its label failed to bear the name of the food specified in the definition and standard of identity for frozen whole eggs.

DISPOSITION: February 21 and March 14, 1952. Default decrees of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed, in lieu of destruction.

18222. Adulteration of frozen eggs. U. S. v. 42 Second-Hand Cans * * *.
(F. D. C. No. 32374. Sample No. 9661-L.)

LIBEL FILED: December 27, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 27, 1951, by Merchants Egg Assn., Inc., Walters, Minn.

PRODUCT: 42 second-hand cans, each containing approximately 30 pounds, of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: February 21, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed, in lieu of destruction.

FISH AND SHELLFISH

18223. Adulteration of lake herring. U. S. v. 31 Boxes, etc. (F. D. C. Nos. 32444 to 32446, incl. Sample Nos. 38415-L, 38418-L, 38420-L.)

LIBEL FILED: January 29, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about January 13, 1952, by the Fayette Fish Co., from Fayette, Mich.

PRODUCT: 81 50-pound boxes of lake herring at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: February 15, 1952. Default decree of condemnation and destruction.

18224. Adulteration of lake herring. U. S. v. 32 Boxes * * *. (F. D. C. No. 32443. Sample No. 38413-L.)

LIBEL FILED: January 22, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about January 12, 1952, by Vern Hazen, from Escanaba, Mich.

PRODUCT: 32 40-pound boxes of lake herring at New York, N. Y.

LABEL, IN PART: "Eagle Fish Co. * * * From Vern Hazen Garden, Mich."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: February 7, 1952. Default decree of condemnation and destruction.

18225. Adulteration of frozen red snapper fillets. U. S. v. 21 Cartons * * *. (F. D. C. No. 32407. Sample Nos. 36697-L, 36698-L.)

LIBEL FILED: January 21, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about November 19, 1951, by the Atalanta Trading Corp., from Miami, Fla.

PRODUCT: 21 40-pound cartons of frozen red snapper fillets at New York, N. Y.

LABEL, IN PART: "Fillet Red Snapper."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (c), the product contained a coal-tar color other than one from a batch that had been certified in accordance with regulations.

DISPOSITION: January 22, 1952. Default decree of condemnation and destruction.

18226. Adulteration of canned sardines. U. S. v. 16 Cases * * *. (F. D. C. No. 31877. Sample No. 31127-L.)

LIBEL FILED: October 10, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 30, 1950, from South Portland, Maine.

PRODUCT: 16 cases, each containing 100 3½-ounce cans, of sardines at Memphis, Tenn. Examination showed that the product was undergoing progressive decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 29, 1951. Default decree of condemnation and destruction.

18227. Adulteration of fish roe. U. S. v. 775 Pounds * * *. (F. D. C. No. 32484. Sample No. 36703-L.)

LIBEL FILED: February 6, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 8, 1951, by Gerald Voight, from Sturgeon Bay, Wis.

PRODUCT: 775 pounds of fish roe in 4 second-hand barrels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: February 20, 1952. Default decree of condemnation and destruction.

18228. Adulteration of fish roe. U. S. v. 330 Pounds * * *. (F. D. C. No. 32486. Sample No. 36702-L.)

LIBEL FILED: February 5, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 18, 1951, by Wenniger "Toots" Fish Market, from Algoma, Wis.

PRODUCT: 330 pounds of fish roe in 2 second-hand barrels, at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: February 27, 1952. Default decree of condemnation and destruction.

18229. Adulteration of whitefish roe. U. S. v. 750 Pounds * * *. (F. D. C. No. 32485. Sample No. 36699-L.)

LIBEL FILED: February 6, 1952, Southern District of New York.

ALLEGED SHIPMENT: During December 1951, into the State of New York, from Wisconsin and/or Michigan and Minnesota.

PRODUCT: 750 pounds of whitefish roe in 4 second-hand barrels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: February 20, 1952. Default decree of condemnation and destruction.

18230. Adulteration of frozen lobster tails. U. S. v. 3 Cartons * * *. (F. D. C. No. 32438. Sample No. 3894-L.)

LIBEL FILED: On or about January 15, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about September 24, 1951, by Continental Seafoods, Inc., from New York, N. Y.

PRODUCT: 3 cartons, each containing 4 10-pound boxes, of frozen lobster tails at Baltimore, Md.

LABEL, IN PART: (Carton) "Metropolitan Seafood Baltimore."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lobster tails.

DISPOSITION: February, 7, 1952. Default decree of condemnation and destruction.

18231. Adulteration and misbranding of oysters. U. S. v. 320 Cans * * *.
(F. D. C. No. 32586. Sample No. 26182-L.)

LIBEL FILED: January 11, 1952, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 8, 1952, by Robbins Brothers, from Port Norris, N. J.

PRODUCT: 320 1-pint cans of oysters at Indianapolis, Ind.

LABEL, IN PART: "Capitol Brand Oysters Standards Packed by Capitol Distributors Co., Inc."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since they were not thoroughly drained; and, Section 403 (a), the label statement "Packed by Capitol Distributors Co., Inc., Indianapolis, Ind." was false and misleading since the product was not packed by Capitol Distributors Co., Inc., at Indianapolis, Ind.

DISPOSITION: January 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18232. Adulteration and misbranding of oysters. U. S. v. 304 Cans * * *.
(F. D. C. No. 32433. Sample Nos. 3600-L, 3601-L.)

LIBEL FILED: January 15, 1952, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about January 7, 1952, by O. E. Wentworth & Co., from Baltimore, Md.

PRODUCT: 304 1-pint cans of oysters at Parkersburg, W. Va.

LABEL, IN PART: (Can) "Oysters standards Md. 45 One Pint Wentworth's Triangle Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since the total time that the oysters were in contact with water after leaving the shucker was more than 30 minutes.

DISPOSITION: February 7, 1952. Default decree of condemnation and destruction. Four cans were available for seizure, and these were destroyed.

18233. Adulteration and misbranding of oysters. U. S. v. 144 Cans, etc.
(F. D. C. No. 32387. Sample Nos. 3820-L, 3821-L.)

LIBEL FILED: January 4 1952. Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about December 20, 1951, by the J. W. Ferguson Seafood Co., from Remlik, Va.

PRODUCT: 288 1-pint cans of oysters at Elizabeth City, N. C.

LABEL, IN PART: (Can) "Oysters Standards [or "Selects"] Rappahannock River Brand."

NATURE OF CHARGE: Adulteration, Sections 402 (b) (2) and (4), water had been substituted in part for oysters, and had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects since the total time that the oysters were in contact with water after leaving the shucker was more than 30 minutes and since they were not thoroughly drained before being packed into containers for shipment.

DISPOSITION: On or about February 11, 1952, a default decree of condemnation and destruction was entered.

FRUITS AND VEGETABLES

CANNED FRUIT

18234. Misbranding of canned peaches. U. S. v. 298 Cases * * *. (F. D. C. No. 32489. Sample No. 27553-L.)

LIBEL FILED: February 4, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 22, 1951, by the Frank M. Wilson Co., from Stockton, Calif.

PRODUCT: 298 cases, each containing 24 1-pound, 13-ounce cans of peaches at Somerville, Mass.

LABEL, IN PART: (Can) "Finest Brand Sliced Peaches in Heavy Syrup Yellow Cling Variety."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the product failed to bear, as required by the definition and standard of identity for canned peaches, the name of the optional packing medium present since the label bore the statement "In Heavy Syrup," whereas the product was packed in a medium designated as "light sirup" in such definition and standard.

DISPOSITION: March 12, 1952. First National Stores, Inc., Somerville, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the misbranded cans from those which were not misbranded and relabeling of the misbranded cans, under the supervision of the Federal Security Agency.

FROZEN FRUIT

18235. Adulteration of frozen strawberries. U. S. v. 83 Cans * * *. (F. D. C. No. 32402. Sample No. 6008-L.)

LIBEL FILED: January 4, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 3, 1951, by Smith & Fyfe, Inc., from Buffalo, N. Y.

PRODUCT: 83 30-pound cans of frozen strawberries at Worcester, Mass.

LABEL, IN PART: (Can) "Prime Brand Whole Strawb." or "J. P. Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: March 17, 1952. Default decree of condemnation and destruction.

MISCELLANEOUS FRUIT PRODUCTS

18236. Adulteration of cranberry sauce. U. S. v. 199 Cases * * *. (F. D. C. No. 32517. Sample No. 24812-L.)

LIBEL FILED: February 11, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 28, 1951, by Ariston Canning Co., Inc., from Cologne, N. J.

PRODUCT: 199 cases, each containing 24 1-pound cans, of cranberry sauce at Philadelphia, Pa.

LABEL, IN PART: (Can) "Ideal Brand Strained Cranberry Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed cranberry material.

DISPOSITION: March 7, 1952. The shipper having relinquished claim to the product, judgment of condemnation was entered, and the court ordered that it be destroyed.

18237. Adulteration of orange peel. U. S. v. 38 Bags * * *. (F. D. C. No. 32400. Sample No. 36840-L.)

LIBEL FILED: January 15, 1952, Southern District of New York.

ALLEGED SHIPMENT: The product was imported into the United States on or about April 27, 1950.

PRODUCT: 38 60-pound bags of orange peel at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect excreta, insect fragments, and insect webbing. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 17, 1952. Default decree of condemnation and destruction.

18238. Adulteration of frozen strawberry puree. U. S. v. 12 Cans * * * (F. D. C. No. 32520. Sample Nos. 38015-L, 38021-L.)

LIBEL FILED: March 14, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about November 1, 1951, by Frigid Food Products, Inc., from Detroit, Mich.

PRODUCT: 12 cans of frozen strawberry puree at New York, N. Y.

LABEL, IN PART: (Tag) "Frigid Fruit Frozen Food Products Strawberry Puree 3-1 Net 30 #."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: April 2, 1952. Default decree of condemnation and destruction.

VEGETABLES

18239. Misbranding of canned green beans. U. S. v. 420 Cases * * *.
(F. D. C. No. 32497. Sample No. 38695-L.)

LIBEL FILED: February 5, 1952, District of Columbia.

ALLEGED SHIPMENT: On or about August 9 and November 13, 1951, by Jenkins Bros., Inc., from Thurmont, Md.

PRODUCT: 420 cases, each containing 24 1-pound cans, of green beans at Washington, D. C.

LABEL, IN PART: (Can) "Pride of the Valley Brand * * * Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard of quality for canned cut green beans since the deseeded pods contained more than 0.15 percent by weight of fibrous material, and the label failed to bear a statement that the product fell below such standard.

DISPOSITION: April 2, 1952. Jenkins Bros., Inc., Frederick, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18240. Misbranding of potatoes. U. S. v. 30 Bags * * *. (F. D. C. No. 32355.
Sample No. 151-L.)

LIBEL FILED: January 11, 1952, District of Kansas.

ALLEGED SHIPMENT: On or about December 13, 1951, by Gerye & Co., from Scottsbluff, Nebr.

PRODUCT: 30 100-pound bags of potatoes at Topeka, Kans.

LABEL, IN PART: "Pixy Potatoes."

NATURE OF CHARGE: Misbranding, Section 403 (k), the product contained artificial coloring, and it failed to bear labeling stating that fact.

DISPOSITION: April 4, 1952. It appearing to the court that the product was highly perishable and in a decomposed condition when found in the possession of the consignee and no claim having been made by the shipper or consignee, and the shipper consenting that the product should be destroyed and it appearing that the product already had been destroyed as being without value, the court ordered that condemnation and forfeiture of the product be decreed without issuance of a special execution.

TOMATOES AND TOMATO PRODUCTS

18241. Adulteration of canned tomatoes. U. S. v. 55 Cases * * *. (F. D. C. No. 32426. Sample No. 26099-L.)

LIBEL FILED: January 11, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 28, 1951, from Salem, Md.

PRODUCT: 55 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 7, 1952. Default decree of condemnation and destruction.

18242. Misbranding of canned tomatoes. U. S. v. 495 Cases * * *. (F. D. C. No. 32490. Sample No. 2842-L.)

LIBEL FILED: February 8, 1952, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 29, 1951, by the J. W. Welch Co., from Downings, Va.

PRODUCT: 495 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Littleton, N. C.

LABEL, IN PART: (Can) "Evenripe Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel, and the label failed to bear a statement that the product fell below such standard.

DISPOSITION: April 9, 1952. The J. W. Welch Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered the product released under bond for relabeling under the supervision of the Food and Drug Administration.

18243. Adulteration of tomato paste. U. S. v. 2,996 Cases * * *. (F. D. C. No. 32470. Sample No. 8187-L.)

LIBEL FILED: February 9, 1952, Northern District of New York.

ALLEGED SHIPMENT: The product was imported into the United States or on about March 22, 1951, from Italy.

PRODUCT: 2,996 cases, each containing 6 10-pound cans, of tomato paste at Schenectady, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 19, 1952. Default decree of condemnation and destruction.

18244. Adulteration of tomato paste. U. S. v. 514 Cases * * *. (F. D. C. No. 32422. Sample No. 22991-L.)

LIBEL FILED: January 12, 1952, Northern District of New York.

ALLEGED SHIPMENT: The product was imported into the United States on or about April 1, 1951, from Italy.

PRODUCT: 514 cases, each containing 6 10-pound cans, of tomato paste at South Schenectady, N. Y.

LABEL, IN PART: (Can) "Victoria Product of Italy * * * Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the production consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 24, 1952. Default decree of condemnation and destruction.

18245. Adulteration of tomato puree. U. S. v. 28 Cases * * *. (F. D. C. No. 32412. Sample No. 7222-L.)

LIBEL FILED: January 9, 1952, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about September 1, 1951, by the C. H. Musselman Co., from Biglerville, Pa.

PRODUCT: 28 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Wheeling, W. Va.

LABEL, IN PART: (Can) "Musselman's Made From Whole Tomatoes and Trimmings Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 5, 1952. Default decree of condemnation and destruction.

NUTS AND NUT PRODUCTS

18246. Adulteration of unshelled almonds. U. S. v. 133 Bags * * *.
(F. D. C. No. 32410. Sample No. 9621-L.)

LIBEL FILED: January 14, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 27, 1951, by the California Almond Growers Exchange, from Sacramento, Calif.

PRODUCT: 133 80-pound bags of unshelled almonds at Chicago, Ill.

LABEL, IN PART: "California Almonds Fancy Blue Diamond Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested almonds, and it was otherwise unfit for food by reason of the presence of gummy nuts, shriveled nuts, and empty shells.

DISPOSITION: January 25, 1952. The California Almond Growers Exchange, Sacramento, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion from the bad and destruction of the bad portion, under the supervision of the Federal Security Agency. Segregation was accomplished by shelling the almonds and picking the fit portion from the unfit. The unfit portion, consisting of 354 pounds, was destroyed. 48 100-pound bags of whole almonds and 178 pounds of almond pieces were released as fit.

18247. Adulteration of coconut. U. S. v. 23 Bags * * *. (F. D. C. No. 31882. Sample No. 16193-L.)

LIBEL FILED: On or about October 17, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 28, 1951, from New York, N. Y.

PRODUCT: 23 100-pound bags of coconut at Kansas City, Mo., in possession of the Chicago Great Western Railway Co.

RESULTS OF INVESTIGATION: The article was stored under insanitary conditions in a warehouse which was subjected to flood waters and inadequately cleaned.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies; and Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

18248. Adulteration of capsicum. U. S. v. 394 Bags * * *. (F. D. C. No. 32516. Sample No. 38362-L.)

LIBEL FILED: February 14, 1952, Eastern District of New York.

ALLEGED SHIPMENT: The product was imported into the United States on or about June 2, 1950, from England.

PRODUCT: 394 60-pound bags of capsicum at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 31, 1952. William Burford, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging to eliminate and destroy the objectionable portions of the product, under the supervision of the Federal Security Agency.

18249. Adulteration and misbranding of french dressing. U. S. v. 239 Jars * * *. (F. D. C. No. 31471. Sample Nos. 31182-L, 31184-L.)

LIBEL FILED: On or about August 18, 1951, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about June 26 and July 3, 1951, by Allen Foods, Inc., from St. Louis, Mo.

PRODUCT: 239 1-gallon jars of french dressing in possession of the sales office of the Chanute Air Force Base, Rantoul, Ill.

LABEL, IN PART: "Lasco Brand French Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for french dressing since it contained less than 35 percent by weight of vegetable oil.

DISPOSITION: December 12, 1951. Default decree of condemnation. The court ordered that the product be disposed of for charitable purposes or destroyed. Accordingly, the marshal delivered the product to various public institutions.

MISCELLANEOUS FOOD

18250. Adulteration of dough improver. U. S. v. 54 Cases, etc. (F. D. C. No. 31469. Sample Nos. 28508-L, 28545-L.)

LIBEL FILED: August 15, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about June 9, 1948, from Seattle, Wash.

PRODUCT: 54 cases, each containing 24 50-pound bags, and 19 cases, each containing 10 5-pound bags, of dough improver at San Francisco, Calif..

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 25, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18201 TO 18250

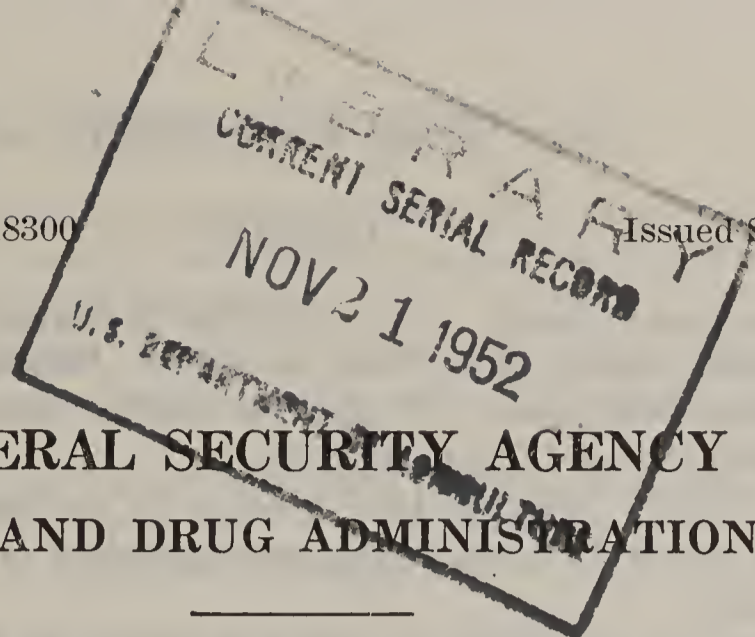
PRODUCTS

	N. J. No.		N. J. No.
Almonds, unshelled	18246	Herring, lake	18223, 18224
Beans, green, canned	18239	Icing mix, chocolate	18203
Butter	18216	Lobster tails, frozen	18230
Candy	18201, 18202	Milk, skim, sweetened condensed	18220
Capsicum	18248	whole, sweetened condensed	18219
Cereals and cereal products	18207-18215	Nuts and nut products	18246, 18247
Cheese	18217, 18218	Orange peel	18237
process	18218	Oysters	18231-18233
Chocolate icing mix	18203	Peaches, canned	18234
Coconut	18247	Peel, orange	18237
Corn meal, yellow	18207	Potatoes	18240
Cranberry sauce	18236	Process cheese	18218
Dairy products	18216-18220	Reducing, candy for	18202
Dough improver	18250	Rice	18212-18215
Eggs, frozen	18221, 18222	Roe, fish	18227-18229
Energy Sticklets (candy for reducing)	18202	Sardines, canned	18226
Fish and shellfish	18223-18233	Shellfish. <i>See</i> Fish and shellfish.	
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Sirup, sorghum	18204-18206
Flour	18208-18212	Snapper fillets, red, frozen	18225
French dressing	18249	Sorghum sirup	18204-18206
Fruits and vegetables	18234-18245	Spices, flavors, and seasoning materials	18248, 18249
fruit, canned	18234	Strawberries, frozen	18235
frozen	18235	Strawberry puree, frozen	18238
miscellaneous fruit products	18236-18238	Tomato(es), canned	18241, 18242
tomatoes and tomato products	18241-18245	paste	18243, 19244
vegetables	18239, 18240	puree	18245
		Vegetables. <i>See</i> Fruits and vegetables.	

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allen Foods, Inc.:		Levy, Louis, Grocer Co.:	
french dressing-----	18249	flour-----	18209
Alouf, F. G.:		Lewis, J. R.:	
butter-----	18216	sorghum sirup-----	18206
Ariston Canning Co., Inc.:		Liberty Rice Mills, Inc.:	
cranberry sauce-----	18236	rice-----	18213
Atalanta Trading Corp.:		Merchants Egg Assn., Inc.:	
frozen red snapper fillets-----	18225	frozen eggs-----	18222
California Almond Growers		Millstream Cereal Co.:	
Exchange:		yellow corn meal-----	18207
unshelled almonds-----	18246	Musselman, C. H., Co.:	
Capitol Distributors Co., Inc.:		tomato puree-----	18245
oysters-----	18231	Myers, Joe Franklin, Industries:	
Central Dairy Co.:		candy-----	18202
sweetened condensed skim		Nash-Finch Co.:	
milk-----	18220	flour-----	18210
Chicago Great Western Railway		Norris, H.:	
Co.:		sorghum sirup-----	18204
coconut-----	18247	Norris Syrup Co.:	
Continental Seafoods, Inc.:		sorghum sirup-----	18204
frozen lobster tails-----	18230	Pauly & Pauly Cheese Co.:	
Crum, C. L.:		American process cheese-----	18218
sorghum sirup-----	18205	Prairie Farms Creamery:	
Eagle Fish Co.:		sweetened condensed whole	
lake herring-----	18224	milk-----	18219
El Campo Rice Milling Co.:		Republic Rice Mill, Inc.:	
rice-----	18214	rice-----	18215
Ethan Dairy Products. See		Robbins Brothers:	
Feiner, A. M.		oysters-----	18231
Fayette Fish Co.:		Roberts Egg Products Co.:	
lake herring-----	18223	frozen eggs-----	18221
Feiner, A. M.:		Smith & Fyfe, Inc.:	
Cheddar cheese-----	18217	frozen strawberries-----	18235
Ferguson, J. W. Seafood Co.:		Voight, Gerald:	
oysters-----	18233	fish roe-----	18227
Frigid Food Products, Inc.:		Welch, J. W., Co.:	
frozen strawberry puree-----	18238	canned tomatoes-----	18242
Gerye & Co.:		Wenniger "Toots" Fish Market:	
potatoes-----	18240	fish roe-----	18228
Hazen, Vern:		Wentworth, O. E., & Co.:	
lake herring-----	18224	oysters-----	18232
Jenkins Bros., Inc.:		Wilson, Frank M., Co.:	
canned green beans-----	18239	canned peaches-----	18234
Kandy Kettle:			
candy-----	18201		

732 Nf



FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18251-18300

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *September 5, 1952.*

CONTENTS

	Page		Page
Candy.....	108	Fruits and vegetables—Continued	
Cereals and cereal products.....	109	Frozen fruit.....	116
Bakery products.....	109	Preserves and fruit butter.....	117
Corn meal.....	109	Vegetables.....	118
Flour.....	109	Tomatoes and tomato products..	119
Miscellaneous cereals and cereal		Nuts.....	122
products.....	112	Poultry.....	123
Macaroni and noodle products..	113	Spices, flavors, and seasoning ma-	
Dairy products.....	114	terials.....	124
Butter.....	114	Vitamin, mineral, and other prod-	
Cheese and cheese product.....	115	ucts of special dietary signifi-	
Fruits and vegetables.....	116	cance.....	125
Canned fruit.....	116	Index.....	126

CANDY

18251. Adulteration of candy. U. S. v. William C. Gereny and Ernest S. Vandora (General Candy Co.). Pleas of guilty. Defendants fined \$750 jointly, together with costs. (F. D. C. No. 31088. Sample Nos. 3076-L, 6890-L, 24708-L, 24710-L, 24711-L, 25227-L.)

INFORMATION FILED: June 19, 1951, District of Maryland, against William C. Gereny and Ernest S. Vandora, copartners, trading as the General Candy Co., Baltimore, Md.

ALLEGED SHIPMENT: February 23, 27, and 28, 1951, from the State of Maryland into the States of Pennsylvania and New York and the District of Columbia.

LABEL, IN PART: "Peppermint Puffs [or "Pe-Co Chop Suey Squares," "Peanut Brittle Squares," or "Bon Bons Assorted"] * * * Manufactured by General Candy Co. Baltimore."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of larvae, insect heads, larval cast skins, larval head capsules, insect parts, rodent hair fragments, insects, and feather fragments; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 8, 1952. Pleas of guilty having been entered by the defendants, they were fined \$125 jointly on each of the 6 counts of the information, a total fine of \$750, together with costs.

18252. Adulteration of candy. U. S. v. J. Ralph Kirkley, Inc., and Simon I. Leon. Pleas of guilty. Individual sentenced to 1 day in jail and placed on probation for 2 years; no fine imposed against corporation. (F. D. C. No. 31070. Sample Nos. 82048-K, 82049-K.)

INFORMATION FILED: April 25, 1951, Eastern District of Pennsylvania, against J. Ralph Kirkley, Inc., Philadelphia, Pa., and Simon I. Leon, president of the corporation.

ALLEGED SHIPMENT: On or about November 28, 1950, from the State of Pennsylvania into the State of North Carolina.

LABEL, IN PART: "Kirkley's Floral Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1952. Pleas of guilty having been entered, the court sentenced Simon I. Leon to serve 1 day in jail and placed him on probation for 2 years. No fine was imposed against the corporation since it was defunct.

18253. Misbranding of candy. U. S. v. 12 Cartons * * *. (F. D. C. No. 30990. Sample No. 5611-L.)

LIBEL FILED: June 11, 1951, District of Vermont.

ALLEGED SHIPMENT: On or about April 9, 1951, by Boothby's Candies, from Brockton, Mass.

PRODUCT: 12 cartons, each containing 24 boxes, of candy at Burlington, Vt.

LABEL, IN PART: "Animal Pops With Paper Safety Sticks Assorted Animals Assorted Flavors Net Weight 4½ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since it was short of the declared weight.

DISPOSITION: April 24, 1952. A default decree of forfeiture was entered, and the court ordered that the product be delivered to a charitable institution.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

18254. Adulteration of bread, buns, and muffins (rolls). U. S. v. David William Williams (Piggott Bakery). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 31538. Sample Nos. 31412-L to 31415-L, incl., 31417-L.)

INFORMATION FILED: November 20, 1951, Eastern District of Arkansas, against David William Williams, trading as Piggott Bakery.

ALLEGED SHIPMENT: On or about June 18 and 23, 1951, from the State of Arkansas into the State of Missouri.

LABEL, IN PART: "Sliced Town Toast Bread," "Old Time Home Made Bread," "Whole Wheat Bread," "Sandwich Buns," and "Old English Muffins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect parts, rodent hair fragments, flies, larvae, larval head capsules, feather fragments, and mites; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 7, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$250.

CORN MEAL

18255. Adulteration of corn meal. U. S. v. 50 Bales, etc. (F. D. C. No. 31520. Sample Nos. 22071-L, 22072-L.)

LIBEL FILED: September 12, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about August 1, 1951, from Memphis, Tenn.

PRODUCT: 50 bales, each containing 10 5-pound bags, and 33 bales, each containing 5 10-pound bags, of corn meal at Prichard, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 17, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as stock feed.

FLOUR

Nos. 18256 to 18261 report actions involving flour that was insect- or rodent-infested, or both. The flour reported in No. **18262** failed to meet the standard for enriched flour.

18256. Adulteration of flour. U. S. v. 56 Bags, etc. (F. D. C. No. 31350. Sample Nos. 13681-L to 13684-L, incl.)

LIBEL FILED: July 16, 1951, District of New Mexico.

ALLEGED SHIPMENT: On various dates between May 4 and June 18, 1951, from Bayfield, Colo.

PRODUCT: 56 50-pound bags and 119 25-pound bags of flour at Farmington, N. Mex., in possession of the Farmington Mercantile Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 11, 1952. The Farmington Mercantile Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be converted into stock feed, under the supervision of the Food and Drug Administration.

18257. Adulteration of flour. U. S. v. 61 Bags * * *. (F. D. C. No. 31821. Sample No. 22080-L.)

LIBEL FILED: September 17, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 16, 1951, from Dallas, Tex.

PRODUCT: 61 100-pound bags of flour at Thibodaux, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 5, 1951. Default decree of condemnation and destruction.

18258. Adulteration of flour. U. S. v. 205 Bags * * *. (F. D. C. No. 31828. Sample No. 21669-L.)

LIBEL FILED: September 24, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 30, 1951, from Greenville, Tex.

PRODUCT: 205 bags, each containing 25 pounds, of flour at De Ridder, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 3, 1951. Default decree of condemnation. The court ordered that the product be destroyed or otherwise disposed of by the marshal in compliance with the law.

18259. Adulteration of flour. U. S. v. 22 Bags * * *. (F. D. C. No. 31872. Sample No. 21592-L.)

LIBEL FILED: October 15, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about June 29 and September 11, 1951, from Memphis, Tenn.

PRODUCT: 22 100-pound bags of flour at Hattiesburg, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1951. Default decree of condemnation. The court ordered that the marshal either denature the product and dispose of it for purposes other than human food, or destroy it.

18260. Adulteration of flour. U. S. v. 29 Bags * * *. (F. D. C. No. 31863. Sample Nos. 22089-L, 22090-L.)

LIBEL FILED: October 2, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 20, 1951, from Wichita Falls, Tex.

PRODUCT: 23 25-pound bags and 6 100-pound bags of flour at Baton Rouge, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. Default decree of condemnation and destruction.

18261. Adulteration of rye flour. U. S. v. 17 Bags * * *. (F. D. C. No. 31859. Sample No. 19519-L.)

LIBEL FILED: October 2, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about April 26, 1951, from Winona, Minn.

PRODUCT: 17 100-pound bags of rye flour at Cedar Rapids, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 8, 1951. Default decree of condemnation. The court ordered that the flour be sold to the highest bidder, conditioned that it first be denatured under the supervision of the United States marshal, for use as animal feed, and if not sold, that it be delivered to a public institution on the same condition.

18262. Adulteration and misbranding of enriched flour. U. S. v. 142 Bags * * *. (F. D. C. No. 32390. Sample No. 13301-L.)

LIBEL FILED: January 8, 1952, District of New Mexico.

ALLEGED SHIPMENT: On or about November 9, 1951, by Fort Morgan Mills, from Fort Morgan, Colo.

PRODUCT: 142 25-pound bags of enriched flour at Albuquerque, N. Mex.

LABEL, IN PART: (Bag) "Enriched * * * Gold Star Flour * * * 8 ounces of Enriched Flour Contain not less than the Following Proportions of the Minimum Daily Requirements of Vitamin B₁ 100%, Riboflavin 30%, Iron 65%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, riboflavin, and iron, had been in part omitted.

Misbranding, Section 403 (a), the label statements "8 ounces of Enriched Flour Contain not less than the Following Proportions of the Minimum Daily Requirements of Vitamin B₁ 100%, Riboflavin 30%, Iron 65%" were false and misleading since the product contained less than the declared amounts of vitamin B₁, riboflavin, and iron.

DISPOSITION: February 11, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

18263. Adulteration of rice. U. S. v. 39 Bags * * * (and 1 other seizure action). (F. D. C. No. 31886. Sample Nos. 17122-L, 17123-L.)

LIBELS FILED: October 9, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about January 2, February 1, and March 15, 1951, from Mermentau and Abbeville, La.

PRODUCT: 2 lots, each consisting of 39 100-pound bags, of rice at Los Angeles, Calif., in possession of the Sunshine Specialty Products Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects in both lots and, in addition, rodent hairs and rodent urine in one lot; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1951. The Sunshine Specialty Products Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for fumigation, reconditioning, and reprocessing under the supervision of the Food and Drug Administration. A total of 7,163.5 pounds of clean rice was salvaged.

18264. Adulteration of rice. U. S. v. 42 Bags * * *. (F. D. C. No. 31515. Sample No. 9749-L.)

LIBEL FILED: September 12, 1951, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 28, 1950, from Jonesboro, Ark.

PRODUCT: 42 100-pound bags of rice at Gary, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 10, 1952. Indiana Wholesale Food Supply, Inc., Gary, Ind., claimant, having consented to the destruction of the rice that was adulterated to the extent that it could not be salvaged, and having petitioned release for salvaging of all of the product that could be properly reconditioned, judgment of condemnation was entered and the court ordered that the product be delivered under bond to the claimant, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was fumigated, and all filthy substances were removed.

18265. Adulteration of rice. U. S. v. 39 Bags * * *. (F. D. C. No. 31825. Sample No. 34981-L.)

LIBEL FILED: September 21, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about October 9, 1950, from Stuttgart, Ark.

PRODUCT: 39 100-pound bags of rice at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 16, 1951. Default decree of condemnation. The court ordered that the product be destroyed unless properly denatured for use as animal feed, under the supervision of the Food and Drug Administration.

18266. Adulteration of rice grits and corn grits. U. S. v. 450,000 Pounds, etc. (F. D. C. No. 31822. Sample Nos. 35680-L, 35681-L.)

LIBEL FILED: September 20, 1951, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of April 19 and August 25, 1951, the rice grits were shipped from Vancouver, B. C., and Sacramento, Calif., and the corn grits from Peoria, Ill.

PRODUCT: 450,000 pounds of rice grits and 80,000 pounds of corn grits at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 11, 1951. The Minneapolis Brewing Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, conditioned that they be reprocessed for use as animal feed, under the supervision of the Food and Drug Administration.

18267. Adulteration of brewers flakes. U. S. v. 10 Bags * * *. (F. D. C. No. 31881. Sample No. 6929-L.)

LIBEL FILED: October 8, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 13, 1951, from Milwaukee, Wis.

PRODUCT: 10 100-pound bags of brewers flakes at East Liverpool, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 21, 1952. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

18268. Adulteration of egg noodles. U. S. v. Paramount Macaroni Mfg. Co., Inc., and John Saggio. Pleas of guilty. Corporation fined \$400; individual fined \$200. (F. D. C. No. 31096. Sample Nos. 91748-K, 91757-K.)

INFORMATION FILED: June 18, 1951, Eastern District of New York, against the Paramount Macaroni Mfg. Co., Inc., Brooklyn, N. Y., and John Saggio, secretary.

ALLEGED SHIPMENT: On or about September 11 and 12, 1950, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Paramount Pure Egg Noodles * * * Manufactured By Paramount Macaroni Mfg. Co., Inc. * * * Brooklyn, New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have been become contaminated with filth.

DISPOSITION: On July 6, 1951, the defendants filed a motion for a bill of particulars, which motion was argued on September 24, 1951. The court ruled that the defendants be advised as to the sections of the building where were observed the insanitary conditions charged in the information, but denied all other requests. On January 9, 1952, the defendants having entered pleas of guilty, the court imposed fines of \$400 against the corporation and \$200 against the individual.

DAIRY PRODUCTS

BUTTER

18269. Adulteration of butter. U. S. v. 46 Cartons * * *. (F. D. C. No. 31811. Sample Nos. 10939-L, 10940-L.)

LIBEL FILED: August 30, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about August 7, 1951, by the Sugar Creek Creamery Co., from Evansville, Ind.

PRODUCT: 46 cartons, each containing approximately 62 pounds, of butter at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

DISPOSITION: October 1, 1951. The Sugar Creek Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be converted into butter oil, under the supervision of a representative of the Federal Security Agency.

18270. Adulteration of butter. U. S. v. Sauk Rapids Farmers Cooperative Creamery Co. Plea of guilty. Fine of \$300 on first count and \$600 on second count; fine on second count suspended and defendant placed on probation for 3 years. (F. D. C. No. 31547. Sample Nos. 75910-K, 19563-L.)

INFORMATION FILED: October 11, 1951, District of Minnesota, against the Sauk Rapids Farmers Cooperative Creamery Co., a corporation, Sauk Rapids, Minn.

ALLEGED SHIPMENT: On or about March 15, 1950, and May 3, 1951, from the State of Minnesota into the States of New York and Pennsylvania.

LABEL, IN PART: "Butter Distributed by Irving Fuchs * * * New York, N. Y." or "Butter Distributed by C. W. Dunnet & Co., Phila., Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

DISPOSITION: December 4, 1951. A plea of guilty having been entered, the court sentenced the defendant to pay a fine of \$300 on the first count and \$600 on the second count, but suspended payment of the fine on the second count and placed the defendant on probation for 3 years.

CHEESE AND CHEESE PRODUCT

18271. Adulteration and misbranding of skim-milk cheese. U. S. v. 9,979 Pounds
* * *. (F. D. C. No. 31193. Sample No. 23959-L.)

LIBEL FILED: June 14, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 17, 1951, by Cabot Farmers Cooperative Creamery Co., Inc., Cabot, Vt.

PRODUCT: 9,979 pounds of skim-milk cheese in 150 boxes of 2 flats each at New York, N. Y.

LABEL, IN PART: (Flat) "Skim Milk Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing more than 50 percent of moisture had been substituted for skim-milk cheese for manufacturing.

Misbranding, Section 403 (g), the product purported to be and was represented as skim-milk cheese for manufacturing, a food for which a definition and standard of identity has been prescribed by the regulations, and it failed to conform to such definition and standard. The regulations provide that skim-milk cheese for manufacturing contains not more than 50 percent of moisture and is coated with blue-colored paraffin or other tightly adhering coating, colored blue, whereas the article contained more than 50 percent of moisture and did not bear a blue-colored coating. The article failed also to conform to the definition and standard since its label failed to bear the name of the food specified in such definition and standard, namely, "Skim-Milk Cheese for manufacturing."

DISPOSITION: January 18, 1952. Sunette Foods, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration, by coating of the product with a blue coating, by reducing the moisture content to not over 50 percent, and by properly relabeling it.

18272. Adulteration of Welsh rabbit. U. S. v. 16 Cases (and 1 other seizure action). (F. D. C. Nos. 31800, 31971. Sample Nos. 4182-L, 4184-L, 4521-L, 4522-L.)

LIBELS FILED: October 16 and 31, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about February 27, August 20, and October 19, 1951, from Chicago, Ill., by the Sue Ann Food Products Corp.

PRODUCT: 76 cases, each containing 12 10-ounce bottles, of Welsh rabbit at Washington, D. C.

LABEL, IN PART: "Cocktail Delight Welsh Rarebit."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: December 24, 1951. Default decrees of condemnation. The court ordered that the product be delivered to the National Zoological Park.

FRUITS AND VEGETABLES**CANNED FRUIT**

18273. Adulteration of canned blueberries. U. S. v. 45 Cases * * *. (F. D. C. No. 30180. Sample No. 69884-K.)

LIBEL FILED: November 30, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 5, 1950, by the Northeastern Packing Co., from Columbia Falls, Maine.

PRODUCT: 45 cases, each containing 24 1-pound, 3-ounce cans, of blueberries at Pittsburgh, Pa.

LABEL, IN PART: "Lackzoom Blueberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: March 14, 1952. Default decree of condemnation and destruction.

18274. Misbranding of canned peaches. U. S. v. 998 Cases * * *. (F. D. C. No. 31832. Sample No. 11192-L.)

LIBEL FILED: September 24, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 3, 1951, by the Jones Bros. Canning Co., from Greer, S. C.

PRODUCT: 998 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Cleveland, Ohio.

LABEL, IN PART: "Greer Brand Yellow Freestone Peaches Halves in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard in quality because of failure to meet the test for tenderness prescribed by the regulations, and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: November 13, 1951. The Jones Bros. Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled to comply with the law, under the supervision of the Food and Drug Administration.

FROZEN FRUIT

18275. Adulteration of frozen strawberries. U. S. v. Frigid Food Products, Inc. Plea of nolo contendere. Fine, \$4,000. (F. D. C. No. 31542. Sample No. 11442-L.)

INFORMATION FILED: September 19, 1951, Western District of Tennessee, against Frigid Food Products, Inc., McKenzie, Tenn.

ALLEGED SHIPMENT: On or about May 20, 1951, from the State of Tennessee into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 7, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$4,000 against the defendant.

PRESERVES AND FRUIT BUTTER

18276. Adulteration and misbranding of canned cherry preserves. U. S. v. 30 Cases * * *. (F. D. C. No. 30747. Sample No. 3068-L.)

LIBEL FILED: March 13, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about January 29, 1951, by Robbins Sales Co., Inc., from New York, N. Y.

PRODUCT: 30 cases, each containing 6 8-pound, 4-ounce cans, of cherry preserves at Washington, D. C.

LABEL, IN PART: (Can) "Fruitcrest Pure Cherry Preserves * * * Packed By Fruitcrest Corp. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), dark, shriveled cherries with pits had been added to the product and mixed and packed with it so as to reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations since the fruit ingredient had not been properly prepared, whereas the regulations specify that the fruit ingredient of cherry preserves is properly prepared cherries.

DISPOSITION: The Robbins Sales Co., Inc., having intervened as claimant and having filed a motion for discovery and to obtain representative samples, the court, on May 8, 1951, entered an order that the Government furnish the claimant with a copy of the analysis of the product and that the marshal deliver the requested samples. On February 21, 1952, the claimant having withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be delivered to a public institution for the use of the inmates, and not for sale.

18277. Adulteration and misbranding of Pinecot (pineapple-apricot) preserves and red raspberry jam and apricot jam. U. S. v. 4 Cases, etc. (F. D. C. No. 32330. Sample Nos. 13597-L to 13600-L, incl.)

LIBEL FILED: January 8, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about October 15 and November 12 and 17, 1951, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 10 cases, each containing 6 8¼-pound cans, of Pinecot (pineapple-apricot) preserves, 10 cases, each containing 6 8¼-pound cans, of red raspberry jam, and 18 cases, each containing 6 8¼-pound cans, of apricot jam at Denver, Colo.

LABEL, IN PART: "Clover Farm [or "Glendale Brand"] Pinecot Preserves," "Red Raspberry Jam," and "Apricot Jam."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (all lots) products deficient in fruit had been substituted for pineapple-apricot preserves, red raspberry jam, and apricot jam.

Misbranding, Section 403 (g) (1), (all lots) the products purported to be pineapple-apricot preserves and red raspberry jam and apricot jam, and they failed to conform to the definitions and standards of identity for such products, since all the products were made from a mixture composed of less than 45 parts by weight of their fruit ingredients (pineapple-apricot, red raspberry, or apricot, respectively) to each 55 parts by weight of one of the optional saccharin ingredients specified in such definitions and standards.

DISPOSITION: April 3, 1952. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions.

18278. Misbranding of apple butter. U. S. v. Jerome P. Firnstahl and Ronald H. Preston. Tried to the jury. Jerome P. Firnstahl found guilty; imposition of sentence suspended and this defendant placed on probation for 3 years. Ronald H. Preston found not guilty. (F. D. C. No. 31100. Sample Nos. 78429-K, 90606-K.)

INDICTMENT RETURNED: July 24, 1951, Western District of Washington, against Jerome P. Firnstahl, a partner in the firm trading under the name of the Pacific Food Products Co., Seattle, Wash., and Ronald H. Preston, assistant manager of the firm.

ALLEGED DELIVERY FOR SHIPMENT: On or about May 25 and November 30, 1950, at Seattle, Wash., for delivery to Honolulu, T. H.

LABEL, IN PART: "Sunny Jim Pure Washington Apple Butter Made by Pacific Food Products Co., Seattle, U. S. A. Contents 27 Oz."

NATURE OF CHARGE: One lot. Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the jars contained less than the declared weight, namely, "27 Oz."

Both lots. Misbranding, Section 403 (g) (1), the article failed to conform with the definition and standard of identity for apple butter since it had not been concentrated by heat to such point that the soluble-solids content of the finished product was not less than 43 percent as prescribed by the regulations.

DISPOSITION: December 28, 1951. Pleas of not guilty having been entered, the case came on for trial before a jury, which returned a verdict of guilty with respect to Jerome P. Firnstahl and not guilty with respect to Ronald H. Preston. Imposition of sentence against Jerome P. Firnstahl was suspended, and he was placed on probation for 3 years.

VEGETABLES

18279. Adulteration of frozen artichokes. U. S. v. 28 Cases * * *. (F. D. C. No. 31862. Sample No. 32236-L.)

LIBEL FILED: October 3, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 10, 1951, by Western Frozen Foods Co., Inc., from Watsonville, Calif.

PRODUCT: 28 cases, each containing 6 45-ounce cartons, of frozen artichokes at St. Louis, Mo.

LABEL, IN PART: "Rose Froz'n Brand California Artichokes * * * Artichokes, Inc."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 29, 1951. Default decree of condemnation and destruction.

18280. Adulteration of canned beets. U. S. v. 1,114 Cases * * *. (F. D. C. No. 31493. Sample Nos. 21908-L, 21909-L.)

LIBEL FILED: August 29, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 5 and 17, 1950, from Los Fresnos, Tex.

PRODUCT: 1,114 cases, each containing 24 1-pound, 4-ounce cans, of beets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 24, 1951. The Worldwide Food Products Corp., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed. Of the 850 cases actually seized, 643 cases were salvaged as fit.

18281. Adulteration of canned sliced beets. U. S. v. 24 Cases * * *. (F. D. C. No. 31860. Sample No. 20855-L.)

LIBEL FILED: October 3, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 3, 1949, from Harlingen, Tex.

PRODUCT: 24 cases, each containing 24 1-pound, 4-ounce cans, of sliced beets at Natchitoches, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce, and it was undergoing progressive decomposition.

DISPOSITION: November 30, 1951. Default decree of condemnation. The court ordered that the product be destroyed or otherwise disposed of by the United States marshal as provided by law.

18282. Misbranding of canned spinach. U. S. v. 191 Cases * * *. (F. D. C. No. 31845. Sample Nos. 12971-L, 13225-L.)

LIBEL FILED: October 1, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about March 26, 1951, by the Van Buren Canning Co., from Van Buren, Ark.

PRODUCT: 191 cases, each containing 6 cans, of spinach at Denver, Colo.

LABEL, IN PART: "Net Weight 7 Lbs. Your Best Brand Spinach."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared weight of 7 pounds.

DISPOSITION: December 5, 1951. The Yoelin Bros. Mercantile Co., Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled under the supervision of a representative of the Federal Security Administrator.

TOMATOES AND TOMATO PRODUCTS

18283. Adulteration and misbranding of canned tomatoes. U. S. v. Rush Canning Co. and James O. Harris and William T. Ash. Pleas of nolo contendere. Each individual defendant fined \$600. No fine imposed against company. (F. D. C. No. 30612. Sample Nos. 70279-K, 70298-K.)

INFORMATION FILED: September 1, 1951, Western District of Missouri, against the Rush Canning Co., a partnership, trading at Exeter and Washburn, Mo., and James O. Harris and William T. Ash, partners in the firm.

ALLEGED VIOLATION: On or about November 7, 1949, the defendants guarantied to a firm at Kansas City, Mo., which was engaged in interstate commerce, that any food or other commodity shipped or delivered by the defendants to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the law. On or about August 23, 1950, the defendants shipped

to the holder of the guaranty a quantity of canned tomatoes. The tomatoes so shipped by the defendants were misbranded within the meaning of the law.

The defendants also, on or about September 14, 1950, introduced and delivered for introduction into interstate commerce, from the State of Missouri into the State of Kansas, a quantity of canned tomatoes which was adulterated and misbranded.

LABEL, IN PART: "Gardenside Brand Tomatoes * * * Distributed by Regent Canfood Company San Francisco, California" or "Can-D-Lite Brand Tomatoes * * * Packed for Su Mar Foods, Inc. Chicago, Ill."

NATURE OF CHARGE: Adulteration (Can-D-Lite Brand), Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

Misbranding (both brands), Section 403 (h) (1), the article was substandard in quality because of the presence of excessive peel and because the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container.

DISPOSITION: December 3, 1951. Pleas of nolo contendere having been entered, the court sentenced each individual defendant to pay a fine of \$600 and placed them on probation for 1 year. No fine was imposed upon the partnership.

18284. Misbranding of canned tomatoes. U. S. v. 173 Cases * * *. (F. D. C. No. 31853. Sample No. 37984-L.)

LIBEL FILED: September 29, 1951, Northern District of New York.

ALLEGED SHIPMENT: On or about July 27, 1951, by H. P. Tull & Co., from Kingstown, Md.

PRODUCT: 173 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Albany, N. Y.

LABEL, IN PART: "Iona Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard in quality since it contained peel in excess of the maximum provided by the regulations, and the label failed to bear a statement that the product fell below such standard.

DISPOSITION: November 7, 1951. H. P. Tull & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled to comply with the law and the regulations, under the supervision of a representative of the Federal Security Administrator.

18285. Adulteration and misbranding of tomato paste. U. S. v. 69 Cases * * *. (F. D. C. No. 31388. Sample No. 25594-L.)

LIBEL FILED: July 24, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 15, 1951, by A. Fantis, from New York, N. Y.

PRODUCT: 69 cases, each containing 150 6-ounce cans, of tomato paste at Philadelphia, Pa.

LABEL, IN PART: "Reginella Brand Italian Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent of salt-free tomato solids, the minimum provided by the regulations.

DISPOSITION: January 21, 1952. The sole intervener having withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be destroyed.

18286. Adulteration of tomato puree. U. S. v. Franklin MacVeagh & Co. Plea of guilty. Fine of \$200 and costs. (F. D. C. No. 31125. Sample No. 9721-L.)

INFORMATION FILED: August 16, 1951, Northern District of Indiana, against Franklin MacVeagh & Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about February 22, 1951, from the State of Indiana into the State of Illinois.

LABEL, IN PART: "Sweetheart Contents 6 Lbs. 9 Ozs. De Luxe Tomato Puree Packed for Franklin MacVeagh And Company Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 7, 1952. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200, together with costs.

18287. Adulteration of tomato puree. U. S. v. 290 Cases * * *. (F. D. C. No. 29848. Sample No. 73869-K.)

LIBEL FILED: October 26, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1950, by Albert W. Sisk & Son, from Hurlock, Md.

PRODUCT: 290 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at New York, N. Y.

LABEL, IN PART: "De Cecco Brand Extra Heavy Tomato Puree * * * Packed * * * By John N. Wright Jr. Hurlock, Md."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 19, 1951. John N. Wright, Jr., claimant, having failed to file an answer to the libel and no other claimant having appeared, a default decree of condemnation and destruction was entered.

18288. Adulteration of tomato sauce. U. S. v. Hunt Foods New Jersey, Inc. Plea of guilty. Fine of \$500 and probation for two years. (F. D. C. No. 31537. Sample Nos. 95563-K, 25236-L.)

INFORMATION FILED: August 10, 1951, District of New Jersey, against Hunt Foods New Jersey, Inc., trading at Bridgeton, N. J.

ALLEGED SHIPMENT: On or about November 22, 1950, and January 2, 1951, from the State of New Jersey into the State of Pennsylvania.

LABEL, IN PART: "Hunt's Tomato Sauce * * * Packed In U. S. A. By Hunt Foods Inc. Main Office Fullerton, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 18, 1952. A plea of guilty having been entered, the court imposed a fine of \$500 on the first count of the information, suspended imposition of sentence on the second count, and placed the defendant on probation for 2 years.

NUTS

18289. Adulteration of shelled almonds. U. S. v. 141 Cartons, etc. (F. D. C. No. 31513. Sample Nos. 19513-L, 19515-L.)

LIBEL FILED: September 5, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about July 21, 1951, from Hoboken, N. J.

PRODUCT: 141 cartons, each containing 40 pounds, and 21 bags, each containing 50 kilos, of shelled almonds at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 18, 1951. The Johnson Nut Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was processed to eliminate all filth and objectionable material. Of the 7,865 pounds seized, 7,657 pounds were salvaged as fit.

18290. Adulteration of peanuts in shell. U. S. v. 150 Bags * * *. (F. D. C. No. 31462. Sample No. 30049-L.)

LIBEL FILED: August 9, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about December 16, 1950, from Suffolk, Va.

PRODUCT: 150 bags, each containing approximately 89 pounds, of peanuts in shell at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy peanuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 24, 1952. Manning's Inc., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be denatured for use as hog feed.

18291. Adulteration of peanuts in shell. U. S. v. 56 Bags * * *. (F. D. C. No. 31873. Sample No. 35690-L.)

LIBEL FILED: October 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about November 15, 1950, and May 21, 1951, from Suffolk, Va.

PRODUCT: 56 100-pound bags of peanuts in shell at Pipestone, Minn., in possession of the Robson Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent urine, and rodent-gnawed peanuts; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 15, 1951. The Robson Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion from the bad, under the supervision of the Food and Drug Administration. Salvage operations resulted in the destruction of 450 pounds of peanuts as unfit.

POULTRY

18292. Adulteration of dressed poultry. U. S. v. 18 Crates * * *. (F. D. C. No. 32396. Sample No. 38321-L.)

LIBEL FILED: January 4, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 11, 1951, by H & H Poultry Co., Inc., from Selbyville, Del.

PRODUCT: 18 crates containing approximately 1,350 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fecal matter and crop matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: February 13, 1952. H & H Poultry Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging so as to remove the portions of the product which were contaminated with fecal matter, feathers, and other extraneous filth; to remove those birds which were diseased or which had died otherwise than by slaughter; and to remove such fecal matter, feathers, and other extraneous filth by scrubbing, under the supervision of the Federal Security Agency. Salvage operations resulted in the release of 384 birds as good, but in the destruction of 105 birds as unfit.

18293. Adulteration of dressed poultry. U. S. v. 155 Pounds * * *. (F. D. C. No. 32502. Sample No. 38328-L.)

LIBEL FILED: February 11, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about January 22, 1952, by the Vineland Live & Dressed Poultry Co., from Norma, N. J.

PRODUCT: 155 pounds of dressed poultry in 2 second-hand crates at New York, N. Y.

LABEL, IN PART: (Tag) "Vineland Live & Dressed Poultry Co., Norma, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: March 5, 1952. Default decree of condemnation and destruction.

18294. Adulteration of dressed turkeys. U. S. vs. 5 Crates * * *. (F. D. C. No. 32403. Sample No. 38323-L.)

LIBEL FILED: January 21, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 18, 1951, by the Rockingham Produce Co., from New Market, Va.

PRODUCT: 5 crates, each containing approximately 63 pounds, of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: January 22, 1952. Default decree of condemnation and destruction.

18295. Adulteration of frozen chicken gizzards. U. S. v. 6 Buckets * * *. (F. D. C. No. 32442. Sample No. 1136-L.)

LIBEL FILED: January 23, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about January 8, 1952, by the Crenshaw Poultry Co., from Cleveland, Ga.

PRODUCT: 6 10-pound buckets of frozen chicken gizzards at St. Petersburg, Fla.

LABEL, IN PART: (Lid) "Grade A Fresh Frozen Fryer Gizzards."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt, feathers, wood particles, and intestinal contents.

DISPOSITION: March 10, 1952. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

18296. Adulteration of sesame seed. U. S. v. 12 Bags * * *. (F. D. C. No. 31510. Sample No. 19512-L.)

LIBEL FILED: September 4, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about March 13, 1951, from Brooklyn, N. Y.

PRODUCT: 12 bags, each containing 180 pounds, of sesame seed at Minneapolis, Minn., in possession of McLaughlin, Gormley, King Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 25, 1951. McLaughlin, Gormley, King Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reprocessed. All seed which had been exposed to contamination (approximately 40 pounds) was removed and denatured and disposed of for use as chicken feed.

18297. Adulteration of hot cherry peppers. U. S. v. 23 Cases * * *. (F. D. C. No. 32401. Sample No. 6291-L.)

LIBEL FILED: January 4, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 10, 1951, by W. H. Smira and Son, from Providence, R. I.

PRODUCT: 23 cases, each containing 12 1-quart jars, of hot cherry peppers at Boston, Mass.

LABEL, IN PART: (Jar) "Stanley's Hot Cherry Peppers."

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: March 10, 1952. Default decree of condemnation and destruction.

18298. Adulteration and misbranding of oil of lemon. U. S. v. 3 Tins * * *.
(F. D. C. No. 31177. Sample No. 24028-L.)

LIBEL FILED: June 5, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about March 22 and April 10, 1951, by Industrial Frutal Works, Inc., from New York, N. Y.

PRODUCT: 3 tins, each containing 25 pounds, of oil of lemon at Paterson, N. J.

LABEL, IN PART: (Tin) "Oil of Lemon, Calif. U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added mineral oil had been substituted in part for oil of lemon U. S. P.

Misbranding, Section 403 (a), the label statement "Oil of Lemon * * * U. S. P." was false and misleading as applied to an article which contained added mineral oil.

DISPOSITION: March 25, 1952. Industrial Frutal Works, Inc., having filed its claim for the property, but subsequently having withdrawn such claim, judgment of condemnation was entered and the court ordered that the product be delivered by the marshal to the Food and Drug Administration, for experimental and enforcement purposes.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

18299. Adulteration of Special Da-Lees tablets and misbranding of Honeyvite liquid. U. S. v. Sentral Laboratories, Inc., and James H. Roberts. Pleas of guilty. Each defendant fined \$150, together with costs.
(F. D. C. No. 31278. Sample Nos. 18844-L, 18845-L.)

INFORMATION FILED: January 15, 1952, Southern District of Iowa, against the Sentral Laboratories, Inc., Des Moines, Iowa, and James H. Roberts, president-treasurer of the corporation.

ALLEGED VIOLATION: On October 9, 1950, and January 17, 1951, the defendants sold and delivered to a firm in Cedar Rapids, Iowa, a quantity of vitamin tablets and a quantity of a vitamin preparation in liquid form, and guaranteed to the vendee that the products were not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. The firm to whom the products were so delivered and guaranteed was engaged in the business of introducing into interstate commerce vitamin preparations supplied by the defendants. The tablets so guaranteed were adulterated, and the liquid preparation so guaranteed was misbranded within the meaning of the law.

LABEL, IN PART: (Tablets) "Special Da-Lees A Dietary Supplement Each Tablet Contains * * * Niacin 6.7 mgm. Vitamin C 333 Int. Units Vitamin D 400 USP Units"; (liquid) "Honeyvite A Dietary Supplement Each cc Contains Vitamin A 5000 USP Units."

NATURE OF CHARGE: Special Da-Lees tablets. Adulteration, Section 402 (b) (1), valuable constituents of the article had been in part omitted since the tablets contained less than 333 International Units of vitamin C, less than 400

U. S. P. units of vitamin D, and less than 6.7 milligrams of niacin, the amounts declared on the label.

Honeyvite liquid. Misbranding, Section 403 (a), the statement "Each cc Contains Vitamin A 5000 USP Units" borne on the bottle label was false and misleading since the article contained less than 5,000 U. S. P. units of vitamin A per cc.

DISPOSITION: April 24, 1952. The defendants having entered pleas of guilty, the court imposed a fine of \$150 against each defendant, together with costs.

18300. Adulteration and misbranding of Nutone capsules. U. S. v. 86 Bottles
* * *. (F. D. C. No. 31230. Sample Nos. 10143-L, 10147-L.)

LIBEL FILED: June 29, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 2, 1951, by the Midwest Chemical Development Corp., from Cleveland, Ohio.

PRODUCT: 8 1,000-capsule bottles and 78 100-capsule bottles of Nutone capsules at Detroit, Mich.

RESULTS OF INVESTIGATION: The product was shipped in a drum, and after its receipt by the consignee, the product was repackaged into bottles and relabeled.

LABEL, IN PART: (Drum) "New Triton"; (bottle) "Nutone Capsules."

NATURE OF CHARGE: Adulteration, Section 402(b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement on the drum and bottle labels "Each capsule contains * * * Vitamin D 400 U. S. P. Units" was false and misleading as applied to an article which contained less than the stated amount of vitamin D.

The article was adulterated and misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: August 14, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18251 TO 18300

PRODUCTS

	N. J. No.		N. J. No.
Almonds, shelled	18289	Corn grits	18266
Apple butter	¹ 18278	meal	18255
Apricot jam	18277	Dairy products	18269-18272
Artichokes, frozen	18279	Da-Lees, Special, tablets	18299
Bakery products	18254	Enriched flour	18262
Beets, canned	18280, 18281	Flavors. See Spices, flavors, and seasoning materials.	
Blueberries, canned	18273	Flour	18256-18262
Bread and rolls	18254	Fruits and vegetables	¹ 18273-18288
Brewers flakes	18267	fruit, canned	18273, 18274
Butter	18269, 18270	frozen	18275
Candy	18251-18253	preserves and fruit	
Cereals and cereal products	18254- 18268	butter	¹ 18276-18278
Cheese, skim-milk	18271	tomatoes and tomato prod- ucts	18283-18288
Cherry preserves, canned	18276	vegetables	18279-18282

¹ (18278) Prosecution contested.

	N. J. No.		N. J. No.
Gizzards, chicken, frozen-----	18295	Rice-----	18263-18265
Grits, corn and rice-----	18266	grits-----	18266
Honeyvite liquid-----	18299	Rolls. <i>See</i> Bread and rolls.	
Jam, apricot and raspberry-----	18277	Rye flour-----	18261
Lemon oil-----	18298	Sesame seed-----	18296
Macaroni and noodle products---	18268	Special Da-Lees tablets-----	18299
Noodles. <i>See</i> Macaroni and		Spices, flavors, and seasoning	
noodle products.		materials-----	18296-18298
Nutone capsules-----	18300	Spinach, canned-----	18282
Nuts-----	18289-18291	Strawberries, frozen-----	18275
Peaches, canned-----	18274	Tomato(es), canned-----	18283, 18284
Peanuts in shell-----	18290, 18291	paste-----	18285
Peppers, cherry, hot-----	18297	puree-----	18286, 18287
Pineapple-apricot preserves-----	18277	sauce-----	18288
Pinecot (pineapple-apricot) pre-		Vegetables. <i>See</i> Fruits and	
serves-----	18277	vegetables.	
Poultry-----	18292-18295	Vitamin, mineral, and other	
Preserves and fruit butter----- ¹	18276-18278	products of special dietary	
Raspberry jam-----	18277	significance-----	18299, 18300
		Welsh rabbit-----	18272

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Artichokes, Inc.:		Fuchs, Irving:	
frozen artichokes-----	18279	butter-----	18270
Ash, W. T.:		Garvey, J. F., Co.:	
canned tomatoes-----	18283	Pinecot (pineapple - apricot)	
Boothby's Candies:		preserves and red raspberry	
candy-----	18253	jam and apricot jam-----	18277
Cabot Farmers Cooperative		General Candy Co. <i>See</i> Gereny,	
Creamery Co., Inc.:		W. C., and Vandora, E. S.	
skim-milk cheese-----	18271	Gereny, W. C.:	
Crenshaw Poultry Co.:		candy-----	18251
frozen chicken gizzards-----	18295	H & H Poultry Co., Inc.:	
Dunnet, C. W., & Co.:		dressed poultry-----	18292
butter-----	18270	Harris, J. O.:	
Fantis, A.:		canned tomatoes-----	18283
tomato paste-----	18285	Hunt Foods, Inc.:	
Farmington Mercantile Co.:		tomato sauce-----	18288
flour-----	18256	Hunt Foods New Jersey, Inc.:	
Firnstahl, J. P.:		tomato sauce-----	18288
apple butter----- ¹	18278	Industrial Frutal Works, Inc.:	
Fort Morgan Mills:		oil of lemon-----	18298
enriched flour-----	18262	Jones Bros. Canning Co.:	
Frigid Food Products, Inc.:		canned peaches-----	18274
frozen strawberries-----	18275	Kirkley, J. Ralph, Inc.:	
Fruitcrest Corp.:		candy-----	18252
canned cherry preserves-----	18276	Leon, S. I.:	
		candy-----	18252

¹ (18278) Prosecution contested.

	S. J. No.		S. J. No.
McLaughlin, Gormley, King Co.:		Sauk Rapids Farmers Coopera-	
sesame seed-----	18296	tive Creamery Co.:	
MacVeagh, Franklin, & Co.:		butter-----	18270
tomato puree-----	18286	Sentral Laboratories, Inc.:	
Midwest Chemical Development		Special Da-Lees tablets and	
Corp.:		Honeyvite liquid-----	18299
Nutone capsules-----	18300	Sisk, Albert W., & Son:	
Northeastern Packing Co.:		tomato puree-----	18287
canned blueberries-----	18273	Smira, W. H., & Son:	
Pacific Food Products Co. <i>See</i>		hot cherry peppers-----	18297
Firnstahl, J. P., and Preston,		Su Mar Foods, Inc.:	
R. H.		canned tomatoes-----	18283
Paramount Macaroni Mfg. Co.,		Sue Ann Food Products Corp.:	
Inc.:		Welsh rabbit-----	18272
egg noodles-----	18268	Sugar Creek Creamery Co.:	
Piggott Bakery. <i>See</i> Williams,		butter-----	18269
D. W.		Sunshine Specialty Products Co.:	
Preston, R. H.:		rice -----	18263
apple butter----- ¹	18278	Tull, H. P., & Co.:	
Regent Canfood Co.:		canned tomatoes-----	18284
canned tomatoes-----	18283	Van Buren Canning Co.:	
Robbins Sales Co., Inc.:		canned spinach-----	18282
canned cherry preserves-----	18276	Vandora, E. S.:	
Roberts, J. H.:		candy -----	18251
Special Da-Lees tablets and		Vineland Live & Dressed Poultry	
Honeyvite liquid-----	18299	Co.:	
Robson Grocery Co.:		dressed poultry-----	18293
peanuts in shell-----	18291	Western Frozen Foods Co., Inc.:	
Rockingham Produce Co.:		frozen artichokes-----	18279
dressed turkeys-----	18294	Williams, D. W.:	
Rush Canning Co.:		b r e a d, buns, and muffins	
canned tomatoes-----	18283	(rolls) -----	18254
Saggio, John:		Wright, J. N., Jr.:	
egg noodles-----	18268	tomato puree-----	18287

¹ (18278) Prosecution contested.



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

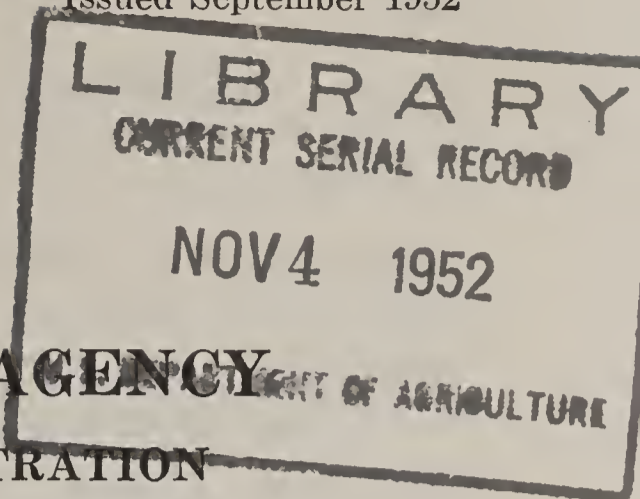
A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month



\$15 per year



FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18301-18350

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *September 5, 1952.*

CONTENTS

	Page		Page
Cereals and cereal products.....	130	Fruits and vegetables—Continued	
Flour.....	130	Vegetables.....	141
Miscellaneous cereals and ce- real products.....	132	Tomatoes and tomato prod- ucts.....	142
Dairy products.....	133	Nuts.....	144
Butter.....	133	Spices, flavors, and seasoning materials.....	145
Feeds and grains.....	135	Vitamin, mineral, and other products of special dietary significance.....	145
Fish and shellfish.....	135	Index.....	147
Fruits and vegetables.....	140		
Dried fruit.....	140		
Fresh fruit.....	140		
Frozen fruit.....	140		

CEREALS AND CEREAL PRODUCTS**FLOUR**

Nos. 18301 to 18306 report actions involving flour that was insect- or rodent-infested, or both.

18301. Adulteration of flour. U. S. v. 42 Bags, etc. (F. D. C. No. 32064. Sample Nos. 31143-L to 31146-L, incl.)

LIBEL FILED: November 8, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about September 12, 20, and 27, 1951, from Shawnee, Okla.

PRODUCT: Flour. 242 50-pound bags and 160 100-pound bags at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 27, 1951. The Shawnee Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as hog feed, under the supervision of the Food and Drug Administration.

18302. Adulteration of flour. U. S. v. 18 Bags * * *. (F. D. C. No. 32079. Sample No. 18808-L.)

LIBEL FILED: November 7, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 14, 1951, from Kansas City, Mo.

PRODUCT: 18 100-pound bags of flour at Des Moines, Iowa, in possession of the Central Flour & Feed Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 12, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

18303. Adulteration of flour. U. S. v. 38 Bags, etc. (F. D. C. No. 32041. Sample Nos. 22128-L to 22130-L, incl.)

LIBEL FILED: October 23, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about February 13, May 28, and June 30, 1951, from Fort Worth, Tex.

PRODUCT: 158 25-pound bags and 244 10-pound bags of flour at Gulfport, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1951. Default decree of condemnation. The court ordered that the marshal sell the product for use as animal feed, conditioned that it be denatured in his presence, so that it could not be used as human food.

18304. Adulteration of flour. U. S. v. 66 Bags * * *. (F. D. C. No. 32052. Sample Nos. 22109-L, 22110-L, 22351-L.)

LIBEL FILED: On or about November 7, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about May 11, 1951, from Claflin, Kans., and on or about August 3, 1951, from Wilson, Kans.

PRODUCT: 66 bags, each containing 10 pounds, of flour at Vicksburg, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 20, 1951. A decree of condemnation was entered ordering that the product be denatured for use as animal feed and that it be delivered to a charitable institution.

18305. Adulteration of cottonseed flour, rice flour, and caraway seed. U. S. v. 8 Bags, etc. (F. D. C. No. 32061. Sample Nos. 18803-L to 18805-L, incl.)

LIBEL FILED: November 1, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about June 11 and 23 and August 8, 1951, from Chicago, Ill., Milwaukee, Wis., and New York, N. Y.

PRODUCT: 8 100-pound bags of cottonseed flour, 1 100-pound bag of rice flour, and 1 100-pound bag of caraway seed at Des Moines, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 6, 1951. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution, for use as animal feed.

18306. Adulteration of flour, corn grits, and red kidney beans. U. S. v. 267 Bags, etc. (and 1 other seizure action). (F. D. C. No. 31820. Sample Nos. 22081-L to 22084-L, incl.)

LIBELS FILED: September 17, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 24 and 25 and August 9, 1951, from Fort Worth, Tex., and Evansville, Ill.

PRODUCT: 126 10-pound bags and 141 25-pound bags of flour, 102 cases, each containing 10 5-pound bags, of corn grits, and 7 100-pound bags of red kidney beans at Thibodaux, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3) the articles consisted in part of a filthy substance by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 5, 1951. Default decrees of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

18307. Adulteration of rice. U. S. v. 360 Bags * * *. (F. D. C. No. 32104. Sample No. 28579-L.)

LIBEL FILED: December 3, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about February 28, 1951, from Jennings, La.

PRODUCT: 360 100-pound bags of rice at Sacramento, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 2, 1952. The Valley Wholesale Grocery having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 36,829 pounds of rice were salvaged and the remainder destroyed.

18308. Adulteration of rice. U. S. v. 36 Bags * * *. (F. D. C. No. 32285. Sample No. 28593-L.)

LIBEL FILED: December 27, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about February 28, 1951, from Baton Rouge, La.

PRODUCT: 36 100-pound bags of rice at Stockton, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 27, 1952. The San Joaquin Wholesale Grocers, Stockton, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for recleaning under the supervision of the Federal Security Agency.

18309. Adulteration of rice. U. S. v. 36 Bags * * *. (F. D. C. No. 32053. Sample No. 34996-L.)

LIBEL FILED: October 30, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about June 29, 1951, from New Orleans, La.

PRODUCT: 36 100-pound bags of rice at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 13, 1951. A default decree was entered ordering the product denatured for use as animal feed.

*See also Nos. 18306, 18333.

18310. Adulteration of rice. U. S. v. 30 Bags * * *. (F. D. C. No. 32112. Sample No. 35531-L.)

LIBEL FILED: December 10, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about February 14, 1951, from Mermentau, La.

PRODUCT: 30 100-pound bags of rice at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 14, 1952. A default decree was entered ordering the product denatured for use as animal feed or destroyed.

18311. Adulteration of rice. U. S. v. 139 Bales * * *. (F. D. C. No. 32025. Sample No. 1721-L.)

LIBEL FILED: November 15, 1951, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about September 29, 1951, from Kaplan, La.

PRODUCT: 139 bales, each containing 20 3-pound packages, of rice at Florence, S. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1951. A default decree of condemnation was entered, and the court ordered that the product be delivered to a charitable institution, for use as animal feed.

18312. Adulteration of brewers flakes. U. S. v. 106 Bags * * *. (F. D. C. No. 32059. Sample No. 29271-L.)

LIBEL FILED: November 6, 1951, District of Montana.

ALLEGED SHIPMENT: On or about June 13 and July 30, 1951, from Milwaukee, Wis.

PRODUCT: 106 100-pound bags of brewers flakes at Billings, Mont., in possession of the Billings Brewing Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 5, 1952. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

18313. Adulteration of butter. U. S. v. 225 Cartons (approx. 13,500 pounds) * * *. (F. D. C. No. 32034. Sample No. 37572-L.)

LIBEL FILED: September 27, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about August 20, 1951, by the Stonehill Creameries Co., from Tracy, Minn.

PRODUCT: 225 cartons, each containing approximately 60 pounds, of butter at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, mites, moth scales, feather barbules, rodent hair fragments, and manure fragments.

DISPOSITION: December 26, 1951. A default decree of condemnation was entered, and the court ordered that the product be sold for fat salvage.

18314. Adulteration of butter. U. S. v. 4 Cases, etc. (and 1 other seizure action).
(F. D. C. Nos. 32028, 32029. Sample Nos. 3144-L to 3147-L, incl.)

LIBELS FILED: July 26, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about June 27, 1951, by the American Dairies, Inc., from Kansas City, Mo.

PRODUCT: Butter. 30 32-pound cases and 1 pound at Washington, D. C.

LABEL, IN PART: "Penn Valley * * * Butter * * * Distributed by American Dairies, Inc., Kansas City, Mo." or "Gold Bar Brand Creamery Butter Manufactured by The Meriden Creamery Co. Kansas City, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance since it had been prepared in whole or in part from decomposed cream.

DISPOSITION: September 14, 1951. A default decree of condemnation was entered, and the court ordered that the product be delivered to the Zoo for its use and not for sale.

18315. Adulteration of butter. U. S. v. 151 Boxes (approx. 9,664 pounds) * * *.
(F. D. C. No. 32030. Sample No. 9438-L.)

LIBEL FILED: October 22, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 29, 1951, by the Linton Creamery Co., from Linton, N. Dak.

PRODUCT: 151 boxes, each containing approximately 64 pounds, of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law.

DISPOSITION: October 23, 1951. The Marketing Association of America, a Wisconsin cooperative, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be rechurned in order to bring it into compliance with the law.

FEEDS AND GRAINS

18316. Adulteration and misbranding of dog food. U. S. v. Re-Dan Packing Co., a partnership, and Daniel Pearlstein. Pleas of guilty. Each defendant fined \$2,000. (F. D. C. No. 28207. Sample Nos. 8629-K, 8630-K.)

INDICTMENT RETURNED: July 26, 1951, Eastern District of New York, against the Re-Dan Packing Co., a partnership, Ozone Park, N. Y., and Daniel Pearlstein, a partner.

ALLEGED SHIPMENT: On or about March 4 and May 2, 1949, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Tex Brand Dog Food * * * Guaranteed Analysis Min. 9% Protein * * * Distributors Flagstaff Foods Perth Amboy New Jersey."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), protein, a valuable constituent of the article, had been in part omitted.

Misbranding, Section 403 (a), the statement "Guaranteed Analysis Min. 9% Protein" borne on the cans was false and misleading since the product contained less than 9 percent of protein.

DISPOSITION: March 13, 1952. Pleas of guilty having been entered, the court sentenced each defendant to pay a fine of \$2,000.

18317. Adulteration of Vitl-Diet. U. S. v. Foxbilt, Inc., and Edwin L. Fox. Pleas of nolo contendere. Fine of \$200 imposed against each defendant. Costs also were assessed. (F. D. C. No. 30617. Sample No. 85642-K.)

INFORMATION FILED: August 8, 1951, Southern District of Iowa, against Foxbilt, Inc., Des Moines, Iowa, and Edwin L. Fox, president of the corporation.

ALLEGED SHIPMENT: On or about October 24, 1950, from the State of Iowa into the State of Minnesota.

LABEL, IN PART: "Vitl-Diet * * * Contains * * * Riboflavin (80 Milligrams per lb.) * * * Vitamin D Content, Not less than 67,500 A. O. A. C. Chick Units per lb. A Concentrated Vitamin Feed Use as Directed Manufactured by Foxbilt Feeds Des Moines, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, riboflavin and vitamin D, had been in part omitted and abstracted from the article.

DISPOSITION: April 24, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$200 against each of the defendants and assessed costs.

FISH AND SHELLFISH

18318. Adulteration of frozen haddock fillets. U. S. v. 72 Cartons * * *. (F. D. C. No. 32060. Sample No. 11216-L.)

LIBEL FILED: October 31, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 5, 1951, by the Booth Fisheries Corp., from Boston, Mass.

PRODUCT: 72 cartons, each containing 10 5-pound boxes, of frozen haddock fillets at Cleveland, Ohio.

LABEL, IN PART: "Booth Product of Canada Tastyloins Frozen Haddock Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance by reason of the presence of putrid fish.

DISPOSITION: November 27, 1951. Default decree of condemnation and destruction.

18319. Adulteration and misbranding of frozen salmon. U. S. v. 2,556 Cases
* * *. (F. D. C. No. 32121. Sample Nos. 29643-L, 30068-L, 30070-L, 30571-L, 30572-L.)

LIBEL FILED: November 21, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about October 31 and November 3 and 7, 1951, by the Romeo Packing Co., from San Francisco, Calif.

PRODUCT: 2,556 cases, containing a total of 125,945 pounds, of frozen salmon at Auburn, Wash.

LABEL, IN PART: "Salmon Steaks Layer Pack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), chum salmon had been substituted for silver salmon.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food, silver salmon.

DISPOSITION: May 5, 1952. The Romeo Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion and disposition of the remainder in compliance with the law, under the supervision of the Food and Drug Administration. 122,154 pounds were released to the claimant, and 2,141 pounds were destroyed.

18320. Adulteration and misbranding of canned herring roe. U. S. v. 20 Cases
* * *. (F. D. C. No. 31223. Sample No. 2972-L.)

LIBEL FILED: July 13, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 16, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 20 cases, each containing 24 15-ounce cans, of herring roe at Alexandria, Va.

LABEL, IN PART: "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label declaration "Herring Roe" was false and misleading as applied to an article which consisted of roe other than herring roe.

DISPOSITION: January 28, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18321. Adulteration of oysters. U. S. v. 172 Pints, etc. (F. D. C. No. 31854.
Sample No. 25772-L.)

LIBEL FILED: October 1, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 25, 1951, by Bay Food Products Co., Inc., from Rock Point, Md.

PRODUCT: 304 pints of oysters at Williamsport, Pa.

LABEL, IN PART: "Oysters Standards [or "Selects"] One Pint Net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: November 19, 1951. Default decree of condemnation and destruction.

18322. Adulteration of oysters. U. S. v. 294 Cans * * *. (F. D. C. No. 32111. Sample No. 3210-L.)

LIBEL FILED: November 20, 1951, Eastern District of Ohio.

ALLEGED SHIPMENT: On or about November 17, 1951, by H. Allen Smith, from Cape Charles, Va.

PRODUCT: 294 1-pint cans of oysters at Mount Vernon, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: December 5, 1951. Default decree of destruction.

18323. Adulteration of oysters. U. S. v. 64 Cans * * *. (F. D. C. No. 32047. Sample No. 4523-L.)

LIBEL FILED: October 27, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 22, 1951, by the J. W. Ferguson Seafood Co., from Remlik, Va.

PRODUCT: 64 pint cans of oysters at Evansville, Ind.

LABEL, IN PART: "Oysters Standards Rappahannock River Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: December 28, 1951. Default decree of condemnation and destruction.

18324. Adulteration and misbranding of oysters. U. S. v. 54 Cans, etc. (F. D. C. No. 32023. Sample Nos. 3803-L, 3804-L, 3882-L.)

LIBEL FILED: November 12, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about November 6 and 7, 1951, from Gloucester Court House, Va., by the Ware River Seafood Co.

PRODUCT: 54 pint cans of oysters standards and 134 pint cans and 23 gallon cans of oysters selects at Asheville, N. C.

LABEL, IN PART: "Oysters Standards Contents 1 Pint" or "Oysters Selects."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (e) (2), the product in the 54-can lot failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than one pint, the declared volume.

DISPOSITION: December 5, 1951. Default decree of condemnation and destruction.

18325. Adulteration and misbranding of oysters. U. S. v. 601 Cans * * * (and 1 other seizure action). (F. D. C. Nos. 32039, 32040. Sample Nos. 11745-L, 11746-L.)

LIBELS FILED: October 24 and 25, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 16 and 17, 1951, by McCready Bros., from Cape Charles, Va.

PRODUCT: 927 cans of oysters at Portsmouth, Ohio.

LABEL, IN PART: "Standards Oysters One Pint Net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oysters standards since it had not been thoroughly drained, as prescribed by the regulations.

DISPOSITION: December 14, 1951. Default decrees of condemnation and destruction.

18326. Adulteration and misbranding of oysters. U. S. v. 776 Cans * * *. (F. D. C. No. 32117. Sample No. 4080-L.)

LIBEL FILED: November 21, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about November 19, 1951, by the Metompkin Bay Oyster Co., from Crisfield, Md.

PRODUCT: 776 cans of oysters at Burlington, Iowa.

LABEL, IN PART: "Oysters Standards One Pint."

NATURE OF CHARGE: Adulteration, Sec 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since it was not thoroughly drained, and in the preparation of the article, the total time of contact with water after leaving the shucker was more than 30 minutes; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "One Pint" was inaccurate. (The cans were short of the declared volume.)

DISPOSITION: December 26, 1951. Default decree of condemnation and destruction.

18327. Adulteration and misbranding of oysters. U. S. v. 284 Cans, etc. (F. D. C. Nos. 31912, 31913. Sample Nos. 3194-L, 6996-L, 6997-L.)

LIBELS FILED: October 19, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 16 and 17, 1951, by the Ward Oyster Co., from Crisfield, Md.

PRODUCT: 582 pint cans of oysters at Pittsburgh, Pa.

LABEL, IN PART: (Cans) "Oysters Standards" or "Oysters Selects."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oysters standards and oysters selects since it had not been thoroughly drained before packing, as required by the regulations.

DISPOSITION: November 27, 1951. Default decrees of condemnation and destruction.

18328. Adulteration and misbranding of oysters. U. S. v. 304 Cans * * *.
(F. D. C. No. 32106. Sample No. 3584-L.)

LIBEL FILED: November 16, 1951, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about November 14, 1951, by W. E. Riggin & Co., from Crisfield, Md.

PRODUCT: 304 pint cans of oysters at Danville, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since it was not thoroughly drained.

DISPOSITION: December 5, 1951. Default decree of condemnation and destruction.

18329. Adulteration and misbranding of oysters. U. S. v. 108 Cans * * *.
(F. D. C. No. 32107. Sample No. 4538-L.)

LIBEL FILED: November 16, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 14, 1951, by the Crisfield Packing Co., from Crisfield, Md.

PRODUCT: 108 pint cans of oysters at Meadville, Pa.

LABEL, IN PART: "Oysters Standards One Pint M & V."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since it was not thoroughly drained.

DISPOSITION: November 21, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

FRUITS AND VEGETABLES**DRIED FRUIT**

18330. Adulteration of raisins. U. S. v. 9 Boxes * * *. (F. D. C. No. 32037. Sample No. 19275-L.)

LIBEL FILED: October 23, 1951, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about July 19, 1951, from Minneapolis, Minn.

PRODUCT: 9 boxes, each containing 30 pounds, of raisins, at Wausau, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 4, 1951. Default decree of condemnation. The court ordered that the product be sold or otherwise disposed of for some purpose other than for human consumption, or that it be destroyed. It was turned over to a public institution, to be used for hog feed.

FRESH FRUIT

18331. Adulteration of blueberries. U. S. v. 26 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32026, 32027. Sample Nos. 9135-L to 9137-L, incl., 9139-L, 9140-L.)

LIBELS FILED: October 12, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 2 and August 9, 1951, by Wayne Curtis, from Berrien Center, Mich., T. A. Dumetz, from Hartford, Mich., McNerney & Co., from Benton Harbor, Mich., and Frank Grow, from Eau Claire, Mich.

PRODUCT: 33 cases, each containing 16 quarts, of blueberries at Chicago, Ill.

LABEL, IN PART: "Blueberries Delos See R. F. D. 2 Dowagiac, Mich.," "Wayne Curtis," "T. A. Dumetz," or "Frank Grow."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. The article was infested with maggots.

DISPOSITION: November 11 and December 7, 1951. Default decrees of condemnation and destruction.

FROZEN FRUIT

18332. Adulteration of frozen blueberries. U. S. v. 20 Cases * * *. (F. D. C. No. 32038. Sample No. 7267-L.)

LIBEL FILED: October 23, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about October 5, 1951, by the Sunshine Packing Corp. of Pennsylvania, from North East, Pa.

PRODUCT: 20 cases, each containing 4 10-pound cans, of frozen blueberries at Buffalo, N. Y.

LABEL, IN PART: "Sunshine Brand * * * Blueberries in Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: November 20, 1951. Default decree of condemnation and destruction.

VEGETABLES*

18333. Adulteration of red kidney beans and rice. U. S. v. 8 Cases, etc. (F. D. C. No. 31918. Sample Nos. 17183-L, 17184-L.)

LIBEL FILED: October 22, 1951, District of Nevada.

ALLEGED SHIPMENT: On or about February 19, 1951, from Los Angeles, Calif., by Budget Pack, Inc.

PRODUCT: 8 cases, each containing 12 2-pound packages, of red kidney beans, and 9 cases, each containing 12 3-pound packages, of rice at Las Vegas, Nev.

LABEL, IN PART: "Budget Pack * * * Kidney Beans" and "Budget Pack Brand * * * Blue Rose Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances since they were insect-infested.

DISPOSITION: November 27, 1951. Default decree of condemnation and destruction.

18334. Misbranding of canned pork and beans. U. S. v. 400 Cases * * *. (F. D. C. No. 32050. Sample No. 32937-L.)

LIBEL FILED: October 26, 1951, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 9 and 12, 1951, by Kennard Food Products, Inc., from Kennard, Ind.

PRODUCT: 400 cases, each containing 24 1-pound, 4-ounce cans, of pork and beans at Milwaukee, Wis.

LABEL, IN PART: "Fargo Brand Pork and Beans With Tomato Sauce."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette depicting a plate of beans with a piece of lean pork and the label statement "With Tomato Sauce" were false and misleading since the meat product in the article consisted entirely of a small piece of fat, and the article did not contain tomato sauce.

DISPOSITION: December 10, 1951. E. R. Godfrey & Sons Co., Glendale, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

18335. Adulteration of canned beets. U. S. v. 114 Cases * * *. (F. D. C. No. 32018. Sample No. 1387-L.)

LIBEL FILED: On or about November 20, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 18, 1950, from Raymondville, Tex.

PRODUCT: 114 cases, each containing 24 1-pound, 4-ounce cans, of beets at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

*See also No. 18306.

DISPOSITION: December 17, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution for use as animal feed.

18336. Adulteration of canned beets. U. S. v. 45 Cases * * *. (F. D. C. No. 32062. Sample No. 16190-L.)

LIBEL FILED: November 5, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 31, 1950, from Appleton, Wis.

PRODUCT: 45 cases, each containing 6 1-pound cans, of beets at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 3, 1952. Default decree of destruction.

18337. Adulteration of olives. U. S. v. 42 Cases * * *. (F. D. C. No. 32082. Sample No. 31589-L.)

LIBEL FILED: On or about November 14, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 10, 1951, by Arturo Cert, from Seville, Spain.

PRODUCT: 42 cases, each containing 12 2-pound, 3-ounce cans, of olives at St. Louis, Mo.

LABEL, IN PART: "Spanish Manzanilla Olives Stuffed With Anchovies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was decomposed.

DISPOSITION: December 6, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18338. Adulteration of canned tomatoes. U. S. v. 226 Cases * * *. (F. D. C. No. 32115. Sample No. 19280-L.)

LIBEL FILED: November 23, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about October 15, 1951, by the Ingalls Canning Co., from Pendleton, Ind.

PRODUCT: 226 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Minneapolis, Minn.

LABEL, IN PART: "Red Gem Brand * * * Tomatoes Packed by Westwood Canning Co., Inc., New Castle, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed material.

DISPOSITION: January 9, 1952. A default decree was entered ordering the product denatured for use as animal feed or destroyed.

18339. Adulteration of tomato paste. U. S. v. 64 Cases * * *. (F. D. C. No. 31906. Sample No. 12930-L.)

LIBEL FILED: October 31, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about April 17, 1951, from New York, N. Y.

PRODUCT: 64 cases, each containing 50 30-ounce cans, of tomato paste at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was undergoing progressive spoilage. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 6, 1951. Decree of condemnation and destruction.

18340. Adulteration of tomato puree. U. S. v. 149 Cases * * *. (F. D. C. No. 31974. Sample No. 26374-L.)

LIBEL FILED: November 1, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 12, 1951, by Morris April Bros., from Tuckahoe, N. J.

PRODUCT: 149 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: "Arthur Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 11, 1951. Default decree of condemnation and destruction.

18341. Adulteration of tomato puree. U. S. v. 8 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32035, 32036. Sample Nos. 7862-L, 7864-L.)

LIBELS FILED: October 22, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about April 23, 1951, from Portugal.

PRODUCT: 27 cases, each containing 10 cans, of tomato puree at Buffalo, N. Y.

LABEL, IN PART: "Tomato Puree Gross Weight Ab. 5 Kg."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was undergoing progressive spoilage. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 20, 1951. Default decrees of condemnation and destruction.

18342. Misbranding of tomato juice. U. S. v. 80 Cases * * *. (F. D. C. No. 32063. Sample No. 18992-L.)

LIBEL FILED: November 2, 1951, District of South Dakota.

ALLEGED SHIPMENT: On or about September 10, 1951, by Dwan's Home Canned Products, St. Joseph, Mich.

PRODUCT: 80 cases, each containing 12 cans, of tomato juice at Sioux Falls, S. Dak.

LABEL, IN PART: "Red & White Brand Tomato Juice Contents 1 Quart 14 Flu. Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "1 Quart 14 Flu. Ozs."

DISPOSITION: December 11, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

NUTS

18343. Adulteration of shelled almonds. U. S. v. 50 Bags * * *. (F. D. C. No. 32074. Sample No. 27093-L.)

LIBEL FILED: November 7, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about May 23, 1951, from New York, N. Y.

PRODUCT: 50 110-pound bags of shelled almonds at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 27, 1951. The Martin Donig Nut Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Salvaging operations were not feasible, and the entire lot was destroyed.

18344. Adulteration of brazil nuts. U. S. v. 2 Cans * * *. (F. D. C. No. 32071. Sample No. 16208-L.)

LIBEL FILED: November 13, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about July 18, 1951, from New York, N. Y.

PRODUCT: 2 33-pound cans of brazil nuts at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1951. Default decree of condemnation and destruction.

18345. Adulteration of pecan pieces. U. S. v. 1 Box * * *. (F. D. C. No. 32116. Sample No. 34933-L.)

LIBEL FILED: November 21, 1951, District of North Dakota.

ALLEGED SHIPMENT: On or about June 7, 1951, from St. Louis, Mo.

PRODUCT: 1 30-pound box of pecan pieces at Devils Lake, N. Dak.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 19, 1951. The sole intervener having consented to the entry of a decree, judgment of condemnation and destruction was entered.

SPICES, FLAVORS, AND SEASONING MATERIALS*

18346. Adulteration of sesame seed and cumin seed. U. S. v. 14 Bags, etc.
(F. D. C. No. 32051. Sample Nos. 26968-L, 26969-L.)

LIBEL FILED: November 6, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about February 3 and 28, 1951, from Managua, Nicaragua, and Bombay, India.

PRODUCT: 14 100-pound bags of sesame seed and 89 125-pound bags of cumin seed at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 28, 1951. D. Hecht & Co. and Adolph Schoenfeld having appeared as claimants, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 1,385 pounds of sesame seed and 10,900 pounds of cumin seed were salvaged.

18347. Adulteration of red pepper. U. S. v. 4 Bags * * *. (F. D. C. No. 32017. Sample No. 37203-L.)

LIBEL FILED: November 15, 1951, Southern District of New York.

ALLEGED SHIPMENT: From Turkey. The shipper, date of shipment, and carrier are unknown.

PRODUCT: 4 100-pound bags of crushed red pepper at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

18348. Adulteration and misbranding of Mi-Vites vitamin tablets. U. S. v. 60 Dozen Bottles, etc. (F. D. C. No. 32408. Sample No. 23442-L.)

LIBEL, FILED: January 2, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 1, 1951, by the Chase Chemical Co., from Newark, N. J.

*See also No. 18305.

**See also No. 18317.

PRODUCT: 60 dozen 100-tablet-size bottles and 20 1,000-tablet-size bottles of Mi-Vites vitamin tablets at Jackson Heights, N. Y.

LABEL, IN PART: (Bottle) "Mi-Vites * * * Three Mi-Vites Daily Provide: Vitamin * * * D (Activated Ergosterol) 1500 U. S. P. Units."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted.

Misbranding, Section 403 (a), the label statement "Three Mi-Vites Daily Provide: Vitamin * * * D * * * 1500 U. S. P. Units" was false and misleading as applied to a product containing less than the stated amount of vitamin D.

DISPOSITION: February 25, 1952. The Chase Chemical Co., Newark, N. J., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Federal Security Agency.

18349. Adulteration and misbranding of Mi-Vites vitamin tablets. U. S. v. 7 Bottles, etc. (F. D. C. No. 32536. Sample No. 23481-L.)

LIBEL FILED: February 25, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 18 and 21, 1952, by the Chase Chemical Co., from Newark, N. J.

PRODUCT: 7 1,000-tablet-size bottles and 68 dozen 100-tablet-size bottles of Mi-Vites vitamin tablets at Jackson Heights, N. Y.

LABEL, IN PART: (Bottle) "Mi-Vites * * * Three Mi-Vites Daily Provide: Vitamin A (Palmitate) 15,000 U. S. P. Units * * * B₁ (Thiamine Hcl) 15 mg. * * * D (Activated Ergosterol) 1500 U. S. P. Units * * * Nicotinamide 30 mg."

NATURE OF CHARGE: Adulteration, 402 (b) (1), valuable constituents, vitamins A, B₁, and D, and nicotinamide, had been in whole or in part omitted or abstracted.

Misbranding, Section 403 (a), the label statements "Three Mi-Vites Daily Provide: Vitamin A (Palmitate) 15,000 U. S. P. Units * * * B₁ (Thiamine Hcl) 15 mg. * * * D (Activated Ergosterol) 1500 U. S. P. Units * * * Nicotinamide 30 mg." were false and misleading as applied to a product which contained less than the declared amounts of vitamins A, B₁, and D, and nicotinamide.

DISPOSITION: March 13, 1952. The Chase Chemical Co., Newark, N. J., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Federal Security Agency.

18350. Adulteration and misbranding of Heatabs. U. S. v. 126 Bottles * * *. (F. D. C. No. 32399. Sample No. 17298-L.)

LIBEL FILED: January 7, 1952, District of Arizona.

ALLEGED SHIPMENT: On or about August 6 and 7, 1951, from Los Angeles, Calif.

PRODUCT: 126 bottles of Heatabs at Phoenix, Ariz.

LABEL, IN PART: (Bottle) "Each Tablet Contains: * * * Vitamin C 1.5 mg."

NATURE OF CHARGE: Adulteration, Section 402(b) (1), a valuable constituent, vitamin C, had been in part omitted or abstracted.

Misbranding, Section 403(a), the label statement "Each Tablet Contains: * * * Vitamin C 1.5 mg." was false and misleading as applied to an article containing less than the declared amount of vitamin C in each tablet.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: March 20, 1952. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18301 TO 18350

PRODUCTS

	N. J. No.		N. J. No.
Almonds, shelled	18343	Grains. See Feeds and grains.	
Beans, with pork, canned	18334	Grits, corn	18306
kidney, dried	18306, 18333	Haddock fillets, frozen	18318
Beets, canned	18335, 18336	Heatabs	18350
Blueberries, fresh	18331	Herring roe, canned	18320
frozen	18332	Kidney beans, dried	18306, 18333
Brazil nuts	18344	Mi-Vites vitamin tablets	18348, 18349
Brewers flakes	18312	Nuts	18343-18345
Butter	18313-18315	Olives	18337
Caraway seed	18305	Oysters	18321-18329
Cereals and cereal products	18301-18312, 18333	Pecan pieces	18345
Corn grits	18306	Pepper, red	18347
Cottonseed flour	18305	Raisins	18330
Cumin seed	18346	Rice	18307-18311, 18333
Dairy products	18313-18315	flour	18305
Dog food	18316	Roe, herring, canned	18320
Feeds and grains	19316, 18317	Salmon, frozen	18319
Fish and shellfish	18318-18329	Sesame seed	18346
Flavors. See Spices, flavors, and seasoning materials.		Shellfish. See Fish and shellfish.	
Flour	18301-18306	Spices, flavors, and seasoning materials	18305, 18346, 18347
Fruits and vegetables	18306, 18330-18342	Tomato(es), canned	18338
fruit, dried	18330	juice	18342
fresh	18331	paste	18339
frozen	18332	puree	18340, 18341
tomatoes and tomato products	18338-18342	Vegetables. See Fruits and vegetables.	
vegetables	18306, 18333-18337	Vitamin, mineral, and other products of special dietary significance	18317, 18348-18350
		Vitl-Diet	18317

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
American Dairies, Inc.:		Ingalls Canning Co.:	
butter-----	18314	canned tomatoes-----	18338
Bay Food Products Co., Inc.:		Kennard Food Products, Inc.:	
oysters-----	18321	canned beans with pork-----	18334
Billings Brewing Co.:		Linton Creamery Co.:	
brewers flakes-----	18312	butter-----	18315
Booth Fisheries Corp.:		McCready Bros.:	
frozen haddock fillets-----	18318	oysters-----	18325
Budget Pack, Inc.:		McNerney & Co.:	
dried red kidney beans and		fresh blueberries-----	18331
rice-----	18333	Meriden Creamery Co.:	
Cape King Fisheries, Inc.:		butter-----	18314
canned herring roe-----	18320	Metompkin Bay Oyster Co.:	
Central Flour & Feed Co.:		oysters-----	18326
flour-----	18302	Morris April Bros.:	
Cert, Arturo:		tomato puree-----	18340
olives-----	18337	Pearlstein, Daniel:	
Chase Chemical Co.:		dog food-----	18316
Mi-Vites vitamin tablets-----	18348,	Re-Dan Packing Co.:	
	18349	dog food-----	18316
Crisfield Packing Co.:		Riggin, W. E., & Co.:	
oysters-----	18329	oysters-----	18328
Curtis, Wayne:		Romeo Packing Co.:	
fresh blueberries-----	18331	frozen salmon-----	18319
Dumetz, T. A.:		Smith, H. A.:	
fresh blueberries-----	18331	oysters-----	18322
Dwan's Home Canned Products:		Stonehill Creameries Co.:	
tomato juice-----	18342	butter-----	18313
Ferguson, J. W., Seafood Co.:		Sunshine Packing Corp. of Penn-	
oysters-----	18323	sylvania:	
Flagstaff Foods:		frozen blueberries-----	18332
dog food-----	18316	Ward Oyster Co.:	
Fox, E. L.:		oysters-----	18327
Vitl-Diet-----	18317	Ware River Seafood Co.:	
Foxbilt, Inc.:		oysters-----	18324
Vitl-Diet-----	18317	Westwood Canning Co., Inc.:	
Grow, Frank:		canned tomatoes-----	18338
fresh blueberries-----	18331		

FEDERAL SECURITY AGENCY

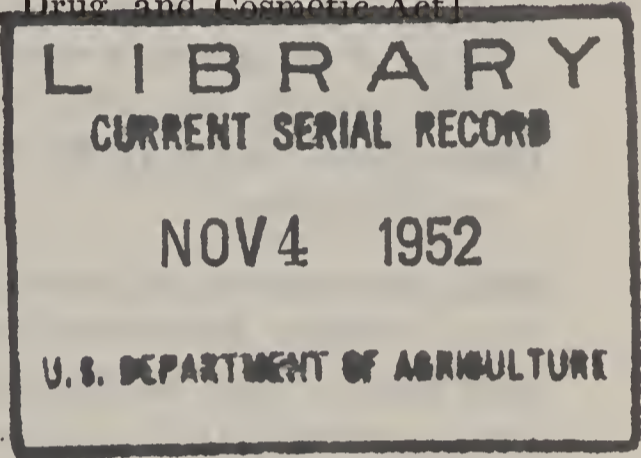
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18351-18400

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *October 3, 1952.*

CONTENTS

	Page		Page
Beverages and beverage materials	150	Fruits and vegetables	160
Cereals and cereal products	151	Canned fruit	160
Flour	151	Dried fruit	161
Miscellaneous cereals	154	Vegetables and vegetable products	161
Chocolate and candy	155	Tomatoes and tomato products	162
Chocolate	155	Nuts	164
Candy	155	Spices, flavors, and seasoning materials	165
Dairy Products	156	Vitamin, mineral, and other products of special dietary significance	166
Butter	156	Index	169
Cheese	156		
Miscellaneous dairy product	157		
Eggs and egg products	158		
Fish and shellfish	158		

BEVERAGES AND BEVERAGE MATERIALS

18351. Adulteration of liquid concentrate of coffee. U. S. v. 199 Cases * * *
(and 4 other seizure actions). (F. D. C. Nos. 32505, 32510, 32531, 32532, 32645. Sample Nos. 1086-L, 1140-L, 1141-L, 4866-L, 36132-L.)

LIBELS FILED: On February 5, 8, and 20, 1952, and on or about February 27, 1952, Southern District of Florida, Southern District of Ohio, and District of Massachusetts.

ALLEGED SHIPMENT: On or about October 12 and 27 and November 12, 14, and 21, 1951, from Dubuque, Iowa.

PRODUCT: Liquid concentrate of coffee. 199 cases at Winter Park, Fla., 93 cases at Medford, Mass., 297 cases at Tampa, Fla., 102 cases at St. Petersburg, Fla., and 751 cases at Dayton, Ohio, each case containing 24 6-fluid-ounce bottles of the product.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 12, 20, 21, and 24, 1952. Default decrees of condemnation and destruction.

18352. Adulteration of coffee sirup. U. S. v. 203 Cases * * *. (F. D. C. No. 30921. Sample No. 5161-L.)

LIBEL FILED: April 18, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 13, 1950, from Cambridge, Mass.

PRODUCT: 203 cases, each containing 24 pint bottles, of coffee sirup at Providence, R. I.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 8, 1952. Default decree of condemnation and destruction.

18353. Adulteration of coffee sweeps. U. S. v. 3,000 Pounds, etc. (F. D. C. No. 27190. Sample Nos. 11601-K, 11602-K.)

LIBEL FILED: May 9, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 16 and October 7, 1948, from Brazil.

PRODUCT: 4,500 pounds of coffee sweeps at Brooklyn, N. Y., in possession of the New York Dock Co., Building 40.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wood splinters, oil, dirt, and other foreign matter; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 8, 1952. The sole intervener having withdrawn its claim for the product, a default decree of condemnation and destruction was entered.

CEREALS AND CEREAL PRODUCTS**FLOUR**

Nos. 18354 to 18360 report actions involving flour that was insect- or rodent-infested, or both. The flour reported in **No. 18361** failed to meet the standard for enriched flour.

18354. Adulteration of flour. U. S. v. 122 Bags, etc. (F. D. C. No. 31931. Sample Nos. 23843-L, 23844-L.)

LIBEL FILED: October 23, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about August 14 and 27, 1951, from Buffalo, N. Y., and Kansas City, Mo.

PRODUCT: 248 100-pound bags of flour at Perth Amboy, N. J., in possession of Metzendorf Bros., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 4, 1951. Metzendorf Bros., Inc., claimant, having consented to the entry of a decree judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use in the manufacture of paper starch, under the supervision of the Food and Drug Administration.

18355. Adulteration of flour. U. S. v. 141 Bags * * *. (F. D. C. No. 31898. Sample Nos. 2817-L, 2818-L.)

LIBEL FILED: October 22, 1951, Western District of Virginia.

ALLEGED SHIPMENT: On or about July 13 and August 10, 1951, from Minneapolis, Minn.

PRODUCT: 141 bags, each containing 100 pounds, of flour at Roanoke, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1951. Consent decree of condemnation. The court ordered that the product be delivered to a charitable institution, conditioned that it not be used for human consumption, or sold, bartered, or exchanged.

18356. Adulteration of flour. U. S. v. 191 Bags, etc. (F. D. C. No. 32474. Sample Nos. 1088-L, 1089-L.)

LIBEL FILED: February 2, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 12, 1951, from St. Joseph, Mo.

PRODUCT: 191 25-pound bags and 212 10-pound bags of flour at Orlando, Fla., in possession of O'Berry & Hall Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 20, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

18357. Adulteration of flour. U. S. v. 24 Bags * * *. (F. D. C. No. 32472. Sample No. 26155-L.)

LIBEL FILED: On or about February 6, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about November 3, 1951, from Buffalo, N. Y.

PRODUCT: 24 100-pound bags of flour at Vineland, N. J., in possession of Freedman's Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 14, 1952. Default decree of condemnation and destruction.

18358. Adulteration of flour. U. S. v. 384 Bags * * *. (F. D. C. No. 31905. Sample No. 22126-L.)

LIBEL FILED: October 17, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 18, 1951, from Fort Worth, Tex.

PRODUCT: 145 bags, each containing 25 pounds, and 239 bags, each containing 10 pounds, of flour at Baton Rouge, La., in possession of Associated Grocers, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine, rodent excreta, and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 20, 1951. Default decree of condemnation and destruction.

18359. Adulteration of flour. U. S. v. 492 Bags * * * (and 2 other seizure actions). (F. D. C. Nos. 31829, 31839, 31849. Sample Nos. 21670-L, 21778-L, 22035-L.)

LIBELS FILED: September 20 and 28 and November 15, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 20, July 11, and August 31, 1951, from Wichita Falls, Tex.

PRODUCT: Flour. 492 25-pound bags at Leesville, La., 52 100-pound bags at Lafayette, La., and 218 25-pound bags at Church Point, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 3, 1951, and January 14, 1952. Default decrees of condemnation. The court ordered that the product be destroyed or otherwise disposed of by the United States marshal, as provided by law.

18360. Adulteration of rice flour. U. S. v. 295 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 31937, 31961. Sample Nos. 25643-L, 25644-L, 25773-L.)

LIBELS FILED: October 23 and 29, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 9, and May 28, 1951, from San Francisco, Calif.

PRODUCT: 315 100-pound bags of rice flour at Philadelphia, Pa.

RESULTS OF INVESTIGATION: The article had been stored under insanitary conditions at Gallagher's Warehouse, Inc., Philadelphia, Pa. Some of the bags were rodent-gnawed, and rodent pellets and rodent urine were observed on them.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 23, 1952. The libel proceedings against the 2 lots of the product having been consolidated and Stein-Hall & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use for industrial purposes.

18361. Adulteration and misbranding of enriched flour. U. S. v. Newport Cooperative Mill, Inc. Plea of guilty. Fine of \$250, plus costs. (F. D. C. No. 31528. Sample No. 11479-L.)

INFORMATION FILED: November 29, 1951, Eastern District of Tennessee, against Newport Cooperative Mill, Inc., Newport, Tenn.

ALLEGED SHIPMENT: On or about March 1, 1951, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: "Superlative Patent Perfection Self-Rising Flour * * * Newport Cooperative Mill Inc. Newport, Tenn. Enriched Self-Rising Flour 8 oz. of enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of vitamin B₁ 100% riboflavin 30% * * * and 8 mgs. of niacin."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁, riboflavin, and niacin, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the statement "8 oz. of enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of vitamin B₁ 100%, riboflavin 30% * * * and 8 mgs. of niacin" borne on the label was false and misleading since 8 ounces of the article contained less than the stated proportions of vitamin B₁ and riboflavin and less than 8 milligrams of niacin; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since the regulations require that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁), not less than 1.2 milligrams of riboflavin, and not less than 16.0 milligrams of niacin. The article contained less than these amounts of the named vitamin substances.

DISPOSITION: March 3, 1952. A plea of guilty having been entered, the court imposed a fine of \$250, plus costs.

MISCELLANEOUS CEREALS

18362. Adulteration of unpopped popcorn. U. S. v. 50 Cartons * * *.
(F. D. C. No. 32185. Sample No. 37548-L.)

LIBEL FILED: December 7, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 14, 1950, from Schaller, Iowa.

PRODUCT: 50 cartons, each containing 24 1-pound boxes, of unpopped popcorn at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 18, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

18363. Adulteration of rice. U. S. v. Arkansas Rice Growers Co-operative Assn. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 31530. Sample Nos. 1835-L, 11701-L, 12192-L, 24674-L.)

INFORMATION FILED: November 14, 1951, Eastern District of Arkansas, against the Arkansas Rice Growers Co-operative Assn., a corporation, Jonesboro, Ark.

ALLEGED SHIPMENT: Within the period from on or about February 14 to April 27, 1951, from the State of Arkansas into the States of Ohio, New Jersey, and South Carolina.

LABEL, IN PART: (Portion) "Monogram Brand Rice Milled and Packed By The Arkansas Rice Growers Co-Operative Association, Stuttgart, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$250.

18364. Adulteration of brewers rice. U. S. v. 800 Bags * * *. (F. D. C. No. 32134. Sample No. 34030-L.)

LIBEL FILED: November 28, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 5, 1951, by the Rice City Milling Co., from Crowley, La.

PRODUCT: 800 100-pound bags of brewers rice at St. Louis, Mo.

LABEL, IN PART: "Quintana * * * San Juan Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1952. The shipper having appeared as claimant, the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

CHOCOLATE AND CANDY**CHOCOLATE**

18365. Adulteration of chocolate coating. U. S. v. 5 Bales * * *. (F. D. C. No. 32100. Sample No. 35481-L.)

LIBEL FILED: November 14, 1951, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about August 29, 1951, from Chicago, Ill.

PRODUCT: 5 196-pound bales of chocolate coating at Cambridge, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 4, 1951. Default decree of forfeiture and destruction. The product was used for hog feed.

CANDY

18366. Adulteration of candy. U. S. v. 3 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 32124, 32127. Sample Nos. 11141-L, 33945-L, 33946-L.)

LIBELS FILED: November 23 and 26, 1951, Eastern District of Missouri and Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 30 and November 2, 1951, by Melster Candies, Inc., from Cambridge, Wis.

PRODUCT: 11 cartons, each containing 18 bars, of candy, and 72 cartons, each containing 24 bars, of candy at St. Louis, Mo., and Cincinnati, Ohio, respectively.

LABEL, IN PART: "Tom's Nut Royal," "Tom's Cherry Bar," and "Melster Cherrie Modified Nut Topped."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 8 and 17, 1952. Default decrees of condemnation and destruction.

18367. Adulteration of candy. U. S. v. 28 Cartons * * *. (F. D. C. No. 32110. Sample No. 29276-L.)

LIBEL FILED: On or about November 28, 1951, District of Montana.

ALLEGED SHIPMENT: On or about April 11, 1951, by Warren Watkins Candies, from Los Angeles, Calif.

PRODUCT: 28 cartons each containing 24 1¼-ounce candy bars at Butte, Mont.

LABEL, IN PART: "Watkins Candy Chicken Bar."

NATURE OF CHARGE: Adulteration, Section 402 (d), the product was confectionery and contained a nonnutritive substance, mineral oil.

DISPOSITION: January 17, 1952. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as animal feed.

DAIRY PRODUCTS**BUTTER**

18368. Adulteration of butter. U. S. v. Armour & Co. Plea of nolo contendere.

Fine of \$500, plus costs. (F. D. C. No. 31583. Sample No. 11538-L.)

INFORMATION FILED: February 5, 1952, Western District of Kentucky, against Armour & Co., Louisville, Ky.

ALLEGED SHIPMENT: On or about August 15, 1951, from the State of Kentucky into the State of North Carolina.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, fly fragments, rodent hair fragments, and plant fragments, and of a decomposed substance by reason of the use of decomposed cream in the manufacture of the product.

DISPOSITION: April 23, 1952. A plea of nolo contendere having been entered, the defendant was fined \$500, plus costs.

18369. Adulteration of butter. U. S. v. Sugar Creek Creamery Co. Plea of nolo contendere. Fine of \$250, plus costs. (F. D. C. No. 31586. Sample Nos. 10939-L, 10940-L.)

INFORMATION FILED: March 11, 1952, Southern District of Indiana, against the Sugar Creek Creamery Co., Evansville, Ind.

ALLEGED SHIPMENT: On or about August 7, 1951, from the State of Indiana into the State of Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance since it was made from decomposed cream; Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 21, 1952. A plea of nolo contendere having been entered, the defendant was fined \$250, plus costs.

CHEESE*

18370. Adulteration and misbranding of Cheddar cheese. U. S. v. 370 Boxes, etc. (F. D. C. Nos. 31355, 31413, 31414. Sample Nos. 5643-L, 5647-L, 5648-L.)

LIBELS FILED: July 16 and August 1, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 6, 14, and 19, 1951, by the Cabot Farmers' Cooperative Creamery Co., Inc., from Cabot, Vt.

PRODUCT: 750 boxes, each containing from 30 to 38 pounds, of Cheddar cheese at Boston, Mass., and 400 boxes, each containing from 30 to 37 pounds, of Cheddar cheese at Worcester, Mass.

LABEL, IN PART: "American Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 50 percent of milk fat in its solids and a portion (370 boxes) which contained more than 39 percent of moisture had been substituted for Cheddar cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese since its solids contained

*See also No. 18396.

less than 50 percent of milk fat, the minimum milk fat provided by the standard, and a portion contained more than 39 percent of moisture, the maximum provided by the standard.

DISPOSITION: December 18, 1951. The actions having been consolidated and Cabot Farmers' Cooperative Creamery Co., Inc., and Wilson & Co. having intervened as claimants for the respective portions of the product, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the substandard portion be segregated from the portion that conformed with the standard and be reworked into pasteurized cheese. Of the 1,150 flats that were seized, 443 were found to conform with the standard, and the remainder were reprocessed to bring them up to the standard.

18371. Misbranding of process cheese. U. S. v. 42 Boxes, etc. (F. D. C. No. 32210. Sample Nos. 26656-L, 26657-L.)

LIBEL FILED: December 4, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 13 and 19, 1951, by Sunette Foods, Inc., from New York, N. Y.

PRODUCT: Process cheese. 42 5-pound boxes and 36 6-pound boxes at Philadelphia, Pa.

LABEL, IN PART: "Sunette Brand [or "Meadow Brands"] Pasteurized Process American Cheese."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for pasteurized process American cheese since it contained in its solids less than 50% of milk fat.

DISPOSITION: March 26, 1952. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed under the supervision of the Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCT

18372. Misbranding of evaporated milk. U. S. v. 448 Cases * * *. (F. D. C. No. 31897. Sample No. 2925-L.)

LIBEL FILED: October 15, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about April 12, 1951, by the Nashville Milk Co., from Nashville, Ill.

PRODUCT: 448 cases, each containing 48 cans, of evaporated milk at Ripley, W. Va.

LABEL, IN PART: (Can) "Forest Park Brand Evaporated Milk Net Weight 14½ Oz. Equiv. 13 Oz. Liquid."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The article was found to be short of the declared weight and volume).

DISPOSITION: November 29, 1951. The Nashville Milk Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal

Security Agency. The cans of the product were weighed, and those under the declared weight were recanned.

EGGS AND EGG PRODUCTS

18373. Adulteration of frozen eggs. U. S. v. 125 Cans * * *. (F. D. C. No. 31526. Sample No. 7205-L.)

LIBEL FILED: September 12, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 4, 1951, by the Monark Egg Corp., from Kansas City, Mo.

PRODUCT: 125 30-pound cans of frozen eggs at Pittsburgh, Pa.

LABEL, IN PART: "Monark Brand Eggs Mixed Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: December 3, 1951. The Monark Egg Corp. having appeared as claimant and 65 cans of frozen eggs having been found to be adulterated, judgment of condemnation was entered with respect to the 65 cans. The court ordered that the product be released under bond, conditioned that the unfit eggs be denatured and destroyed.

18374. Adulteration of frozen egg yolks. U. S. v. 68 Cans * * *. (F. D. C. No. 32576. Sample No. 38020-L.)

LIBEL FILED: March 7, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 7, 1951, by Leeway Motor Freight, from St. Louis, Mo.

PRODUCT: 68 30-pound cans of frozen egg yolks at Brooklyn, N. Y.

LABEL, IN PART: "Frozen Egg Yolks * * * Packed By Harp Foods Mfg. Co. Shawnee, Okla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 22, 1952. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

18375. Adulteration of dried egg skimmings. U. S. v. 5 Barrels * * *. (F. D. C. No. 32147. Sample No. 37542-L.)

LIBEL FILED: November 16, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 5, 1951, by the Ocoma Food Co., from Omaha, Nebr.

PRODUCT: 5 190-pound barrels of dried egg skimmings at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 4, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

18376. Adulteration of whiting. U. S. v. 663 Boxes * * *. (F. D. C. No. 32198. Sample No. 1564-L.)

LIBEL FILED: On or about December 5, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 8, 1951, by the General Freezer & Storage Co., from New Bedford, Mass.

PRODUCT: 663 boxes, each containing 3 10-pound cartons, of whiting at Atlanta, Ga.

LABEL, IN PART: "H & G Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: January 4, 1952. Default decree of condemnation and destruction.

18377. Adulteration of canned smoked mussels. U. S. v. 78 Cases * * *.
(F. D. C. No. 31953. Sample No. 22989-L.)

LIBEL FILED: October 30, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 29, 1951, from Holland.

PRODUCT: 78 cases, each containing 48 3¼-ounce cans, of smoked mussels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was decomposed. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 12, 1951. Theodore Koryn, New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 12 cases and 7 cans were destroyed.

18378. Adulteration and misbranding of oysters. U. S. v. 464 Cans * * *.
(F. D. C. No. 32119. Sample No. 2949-L.)

LIBEL FILED: On or about November 23, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 19, 1951, by C. W. Howeth & Bro., from Crisfield, Md.

PRODUCT: 464 1-pint cans of oysters at York, Pa.

LABEL, IN PART: "Oysters Standards H and B Brand 1 Pint MD 193."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since it was not thoroughly drained, and in the preparation of the article, the total time of contact with water after leaving the shucker was more than 30 minutes; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 Pint" was inaccurate. (The cans were short of the declared volume.)

DISPOSITION: January 4, 1952. Default decree of condemnation and destruction.

18379. Adulteration and misbranding of frozen, cooked shrimp. U. S. v. 65 Cans * * *. (F. D. C. No. 31954. Sample No. 23231-L.)

LIBEL FILED: October 31, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 24, 1950, from Manteo, N. C.

PRODUCT: 65 unlabeled 2-pound cans of frozen, cooked shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18380. Misbranding of canned peaches. U. S. v. 848 Cases * * *. (F. D. C. No. 31786. Sample No. 11972-L.)

LABEL FILED: October 15, 1951, Southern District of Indiana; amended October 18, 1951.

ALLEGED SHIPMENT: On or about August 31, 1951, by S. G. Wimmer & Son, from Christiansburg, Va.

PRODUCT: 848 cases, each containing 48 1-pound, 13-ounce cans, of peaches at Richmond, Ind.

LABEL, IN PART: (Can) "Brush Creek Brand Yellow Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and the label of the article failed to bear the name of the optional packing medium present in the article since its label bore the statement "In Heavy Syrup" and a portion of the article was packed in a medium designated as "light sirup" in the definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches. The standard provides that for canned peach halves of standard quality (1) all units tested in accordance with the method prescribed in such standard shall be pierced by a weight of not more than 300 grams; (2) the weight of each peach unit shall be not less than $\frac{3}{8}$ ounce; (3) the weight of the largest unit in the container shall be not more than twice the weight of the smallest unit therein; (4) there shall be present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents; (5) not more than 20 percent of the units in the container shall be blemished with scab, hail injury, discoloration, or other abnormality; and (6) all peach units shall be untrimmed, or shall be so trimmed as to preserve their normal shape. A portion of the article failed to meet such specifications for tenderness, size, weight, peel, blemishes, and trimming, and the label failed to bear statements that the article fell below such standard.

DISPOSITION: December 3, 1951. S. G. Wimmer & Son having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

DRIED FRUIT

18381. Adulteration of raisins. U. S. v. 9 Cases * * *. (F. D. C. No. 31869. Sample No. 20854-L.)

LIBEL FILED: October 9, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about November 13, 1950, from Oakland, Calif.

PRODUCT: 9 cases, each containing 48 15-ounce packages, of raisins at Natchitoches, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

18382. Adulteration of canned beans. U. S. v. 147 Cases * * *. (F. D. C. No. 32077. Sample No. 13579-L.)

LIBEL FILED: On or about November 27, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about October 25, 1951, by the Ellis Canning Co., from Denver, Colo.

PRODUCT: 147 cases, each case containing 24 15½-ounce cans, of beans at Kansas City, Kans.

LABEL, IN PART: "Ellis Western Style Brown Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained added deleterious substances, stones and other extraneous material, which may have rendered the product injurious to health.

DISPOSITION: January 7, 1952. Default decree of condemnation and destruction.

18383. Misbranding of canned peas. U. S. v. 812 Cases * * *. (F. D. C. No. 31901. Sample Nos. 10811-L, 12228-L.)

LIBEL FILED: October 17, 1951, Southern District of Indiana; amended October 23, 1951.

ALLEGED SHIPMENT: On or about July 11 and 17, 1951, by the Esmeralda Canning Co., from Circleville, Ohio.

PRODUCT: 812 cases, each containing 24 1-pound cans, of peas at Indianapolis, Indiana.

LABEL, IN PART: "Kruso Garden Run Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was a smooth-skin variety of peas and was substandard in quality in that the alcohol-insoluble solids were in excess of 23.5 percent, and it was not labeled to indicate that it was substandard.

DISPOSITION: December 1, 1951. The Esmeralda Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the substandard portion be segregated and relabeled to comply with the law. 213 cases and 13 cans of the product were found to be substandard and were relabeled; and the remainder were released as of standard quality.

18384. Adulteration of canned spinach. U. S. v. 1,498 Cases * * *. (F. D. C. No. 31728. Sample No. 22980-L.)

LIBEL FILED: October 11, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 9, 1951, by Flotill Products, Inc., from Stockton, Calif. .

PRODUCT: 1,498 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Bronx, N. Y.

LABEL, IN PART: (Can) "Krasdale Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: December 27, 1951. Default decree of condemnation and destruction.

18385. Adulteration of canned spinach. U. S. v. 198 Cases * * *. (F. D. C. No. 32157. Sample No. 23415-L.)

LIBEL FILED: November 20, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 20, 1951, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 198 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Bronx, N. Y.

LABEL, IN PART: "Alan Brand Fancy California Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: November 21, 1951. Default decree of condemnation and destruction.

18386. Adulteration of pickles. U. S. v. 1,200 Jars * * *. (F. D. C. No. 32144. Sample No. 6797-L.)

LIBEL FILED: November 30, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about November 9 and December 28, 1950, by Colony Foods of Virginia, from King George, Va.

PRODUCT: 1,200 16-ounce jars of pickles at Rochester, N. Y.

LABEL, IN PART: "Colony Kosher Dill Gherkins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its grittiness.

DISPOSITION: December 28, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18387. Adulteration of canned tomatoes. U. S. v. 183 Cases * * *. (F. D. C. No. 32129. Sample No. 8944-L.)

LIBEL FILED: November 27, 1951, Western District of Michigan.

ALLEGED SHIPMENT: On or about September 17, 1951, by Woodruff Canning Co., Inc., from Goldsmith, Ind.

PRODUCT: 183 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Hancock, Mich.

LABEL, IN PART: (Can) "Indiana Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 28, 1952. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for use as animal feed.

18388. Adulteration of canned tomatoes. U. S. v. 45 Cases, etc. (F. D. C. No. 31744. Sample Nos. 5629-L, 5630-L.)

LIBEL FILED: October 2, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 29 and October 10, 1950, from Naples, Italy.

PRODUCT: 72 cases, each containing 48 1-pound, 1-ounce cans, of tomatoes at Somerville, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was decomposed. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 13, 1952. C. Carbone & Co., Inc., Somerville, Mass., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Of the 2,370 cans of the product which were seized, 242 cans were destroyed.

18389. Adulteration of tomato catsup. U. S. v. 178 Cases * * *. (F. D. C. No. 32142. Sample Nos. 35487-L, 35488-L.)

LIBEL FILED: November 28, 1951, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about September 24, 1951, by Sweetser Packing Co., Inc., from Sweetser, Ind.

PRODUCT: Tomato catsup. 178 cases, each containing 12 14-ounce bottles, and 458 cases, each containing 6 7-pound cans, at Baraboo, Wis.

LABEL, IN PART: "Sweetser."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 21, 1952. Default decree of forfeiture and destruction.

18390. Adulteration of tomato catsup. U. S. v. 548 Cases, etc. (F. D. C. No. 31738. Sample Nos. 3491-L, 3492-L.)

LIBEL FILED: September 27, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 28, 1951, by Hunt Foods, Inc., from Bridgeton, N. J.

PRODUCT: Tomato catsup. 548 cases, each containing 24 14-ounce bottles, and 23 cases, each containing 6 7-pound cans, at Newport News, Va.

LABEL, IN PART: (Can) "Hunt's Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 25, 1952. Default decree of condemnation and destruction.

18391. Adulteration of tomato paste. U. S. v. 853 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32466, 32473. Sample Nos. 3226-L, 3345-L.)

LIBELS FILED: On January 28 and on or about January 31, 1952, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about May 11, 1951, by Flotill Products, Inc., from New York, N. Y.

PRODUCT: 2,445 cases, each containing 6 9-pound, 15-ounce cans, of tomato paste at Richmond, Va.

LABEL, IN PART: (Can) "La Romanella Tomato Paste * * * Gabriele Gambardella & Figlia Italia" or "Colombo Brand Tomato Paste Product of Italy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 4, 1952. Default decrees of condemnation. The court ordered that 1,592 cases be delivered to a public institution and that 853 cases be delivered to a charitable institution. The intact cans were to be used for animal feed, and the ruptured or otherwise unfit cans were to be destroyed.

18392. Adulteration of tomato paste. U. S. v. 173 Cases, etc. (F. D. C. Nos. 31855 to 31857, incl. Sample Nos. 22974-L, 22978-L, 22979-L.)

LIBEL FILED: October 4, 1951, Northern District of New York.

ALLEGED SHIPMENT: On or about January 18, 1951, from Salerno, Italy.

PRODUCT: 173 cases, each containing 12 6-pound cans, of tomato paste at Schenectady, N. Y., and 94 cases, each containing 12 6-pound cans, of tomato paste at Syracuse, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

NUTS

18393. Adulteration of brazil nuts. U. S. v. 440 Bags * * *. (F. D. C. No. 31949. Sample No. 37193-L.)

LIBEL FILED: October 26, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about August 26, 27, and 28, 1951, from Brazil.

PRODUCT: 440 100-pound bags of brazil nuts at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of wormy nuts, and of a decomposed substance by reason of the presence of rancid and moldy nuts.

DISPOSITION: November 15, 1951. William A. Camp Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration. 33,501 pounds of the product were salvaged.

18394. Adulteration of cashew nuts. U. S. v. 398 Cases, etc. (F. D. C. No. 31779. Sample Nos. 27080-L, 27411-L, 27412-L.)

LABEL FILED: October 17, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about September 8, 1951, by the Electri Cooker Division, General Foods Corp., from New York, N. Y.

PRODUCT: 850 50-pound cases of cashew nuts at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 20, 1951. The General Foods Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and sorting of the unfit portion, under the supervision of the Food and Drug Administration. Salvaging operations resulted in the denaturing and destruction of 600 pounds of the product.

18395. Adulteration of cashew nuts. U. S. v. 175 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 31518, 31522, 31817. Sample Nos. 27061-L, 27063-L, 27068-L, 27372-L, 27378-L.)

LIBELS FILED: September 14 and 24, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about August 4, 1951, by the Pan American Food Co., Inc., from New York, N. Y.

PRODUCT: 707 50-pound cases of cashew nuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 25, 1951. The Sun Crown Food Corp., San Francisco, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for reconditioning under the supervision of a representative of the Federal Security Administrator.

The product was fumigated, and 593 cases were found to be passable and were released. The remaining nuts were cracked, brushed, and blown, resulting in the recovery of approximately 82 cases of broken cashews. The reject material, consisting of 1,063 pounds, was denatured.

SPICES, FLAVORS, AND SEASONING MATERIALS

18396. Adulteration and misbranding of pepper and grated cheese. U. S. v. Joseph Rosenhan (Jay-Arr Food Packers). Plea of guilty. Fine, \$350. (F. D. C. No. 31550. Sample Nos. 48828-K, 5333-L, 23723-L, 25096-L.)

INFORMATION FILED: October 4, 1951, District of New Jersey, against Joseph Rosenhan, trading as Jay-Arr Food Packers, Jersey City, N. J.

ALLEGED SHIPMENT: On or about October 13 and November 1 and 21, 1950, and May 15, 1951, from the State of New Jersey into the States of Pennsylvania, Massachusetts, and Connecticut.

LABEL, IN PART: "Jr Brand Pure Pepper Net Weight 1 Oz. Jay-Arr Food Products." and "Chef's Italian Style Grated Cheese * * * Jay-Arr Food Packers Jersey City, N. J."

NATURE OF CHARGE: Pepper. Adulteration (1 shipment), Section 402 (b) (2), a mixture of pepper, buckwheat hulls, and salt had been substituted for pepper. Misbranding, Section 403 (a), the statement "Pure Pepper" borne on the label was false and misleading; and (remaining shipment), Section 403 (e) (2), the article was in package form, and its label failed to bear an accurate statement of the quantity of the contents since the jars contained less than 1 ounce, the declared weight.

Grated cheese. Adulteration (both shipments), Section 402 (b) (2), a product high in lactose in the nature of nonfat dry milk solids had been substituted in whole or in part for grated cheese. Misbranding, Section 403 (a), the statement "Grated Cheese" borne on the label was false and misleading since the article did not consist entirely of grated cheese, but did consist of a mixture of grated cheese and a milk product other than cheese.

DISPOSITION: January 11, 1952. A plea of guilty having been entered, the court imposed a fine of \$50 on each of the 7 counts of the information.

18397. Adulteration of turmeric. U. S. v. 26 Bags * * *. (F. D. C. No. 32149. Sample No. 37198-L.)

LIBEL FILED: November 16, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about March 17, 1950, from India.

PRODUCT: 26 bags, each containing 140 pounds, of turmeric at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1951. Karl H. Landes & E. Balint, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. 2,813 pounds were salvaged and the remainder destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

18398. Adulteration and misbranding of vitamin tablets. U. S. v. 864 Packages, etc. (F. D. C. No. 31202. Sample No. 25305-L.)

LIBEL FILED: June 18, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: During April 1945, by Major Vitamins, Inc., from New York, N. Y.

PRODUCT: 864 24-tablet packages, 1,008 48-tablet packages, and 1,008 cartons, each carton containing 1 100-tablet bottle, of vitamin tablets at Conshohocken, Pa.

LABEL, IN PART: "Major B Complex Brand Natural Vitamin Tablets * * *
[or "Major-B Brand Natural Vitamin B Complex with added thiamine
Tablets * * *"]."

	<i>Each Tablet</i>		<i>(3 Tablets)</i>
	<i>Milligrams</i>	<i>Micrograms</i>	<i>Micrograms</i>
Thiamine (Vitamin B ₁)-----	.333	333	1000
Riboflavin (Vitamin B ₂)-----	0.166	166	500
Pyridoxine (Vitamin B ₆)-----	0.026	26	80
Pantothenic Acid-----	0.083	83	250
Niacin-----	0.166	166	500

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article in the packages.

Misbranding, Section 403 (a), the statements "Thiamine (Vitamin B₁) Each Tablet .333 Milligrams 333 Micrograms (3 Tablets) 1000 Micrograms * * * 3 Major B-Complex Tablets daily provide the minimum daily adult requirement of Thiamine (Vitamin B₁)" borne on the label of the article in the packages were false and misleading as applied to this article, which contained and provided less than the stated amounts of thiamine (vitamin B₁).

The article in the packages was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

Further misbranding, Section 403 (a), certain statements in the labeling of the article in the packages and cartons, namely, in a leaflet entitled "Buoyant Health For All The Family" which was enclosed in each package and carton, were false and misleading. The statements represented and suggested that the article was effective to provide greater energy, steadier nerves, better digestion, improved health and vigor, better appetite, insurance from vitamin deficiencies, physical well-being, protection against frequent colds, constipation, fatigue, digestive upsets, and other common ills; that the article would provide the vitamins found in whole wheat bread, eggs, milk, liver, and tomato juice; that there are widespread dietary deficiencies that would be corrected by use of the article; that the article contained nutritionally significant amounts of all vitamins of the B-complex; and that foods are an unreliable source of vitamins for the reasons specified; and, therefore, that it was desirable, if not necessary, to supplement the ordinary diet with the article. The article was not capable of fulfilling the promises of benefit made for it, and the statements were contrary to fact. The article was misbranded in the latter respect while held for sale after shipment in interstate commerce.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3718.

DISPOSITION: November 29, 1951. Default decree of condemnation and destruction.

18399. Adulteration and misbranding of multivitamin tablets. U. S. v. 46 Cases * * *. (F. D. C. No. 31895. Sample No. 21131-L.)

LABEL FILED: October 12, 1951, Western District of Texas.

ALLEGED SHIPMENT: In 1945 or 1946, from Cleveland, Ohio.

PRODUCT: 46 cases, each containing 24 100-tablet bottles, of multivitamin tablets at San Antonio, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins C and D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "each three tablets contain Vitamin D * * * 600 USP Units Vitamin C * * * 60 mgm. (1200 USP Units)" was false and misleading as applied to an article containing less than these amounts of vitamins C and D.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 15, 1951. Default decree of condemnation and destruction.

18400. Adulteration and misbranding of White's Multi-Vi Liquid. U. S. v. 48 Bottles * * *. (F. D. C. No. 32268. Sample No. 34922-L.)

LIBEL FILED: December 6, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about October 20, 1949, from Newark, N. J.

PRODUCT: 48 bottles of White's Multi-Vi Liquid at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents thiamine hydrochloride (vitamin B₁) and ascorbic acid (vitamin C), had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each 0.6 CC Contains * * * Thiamine Hydrochloride U. S. P. 1 mg. * * * Ascorbic Acid 50 Mg." was false and misleading as applied to the article, which contained less than those amounts of thiamine hydrochloride and ascorbic acid.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 24, 1952. Default decree of destruction.

18015. Supplement to notices of judgment on foods, No. 18015, issued July 1952. U. S. v. 308 Cans of Frozen Whole Eggs. (F. D. C. No. 31743. Sample No. 2981-L.)

On October 4, 1951, a libel was filed in the Eastern District of Virginia against 308 30-pound cans of frozen whole eggs at Norfolk, Va., alleging that the product had been shipped by Sherman White & Co., from Fort Wayne, Ind., and that it was adulterated in that it consisted in whole or in part of a decomposed substance. With the consent of the claimant, Miles Friedman, Inc., Chicago, Ill., a decree of condemnation was entered which provided that the product be released under bond to the claimant for segregation under the supervision of the Federal Security Agency.

Further investigation of the shipment has been made by this Agency, in view of information furnished by Sherman White & Co. that it was not the shipper of the product. It has been found that Sherman White & Co. had no connection with the preparation, packing, sale, or shipment of the product involved, and that the information originally obtained from the consignee with respect to the product having been invoiced by that company was in error. The records show that the product was shipped in interstate commerce from the State of Iowa to Norfolk, Va., by Miles Friedman, Inc., and that when examined upon arrival at Norfolk, the product was in a thawed condition.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18351 TO 18400

PRODUCTS

	N. J. No.		N. J. No.
Beans, canned	18382	Major Brand B-complex vitamin tablets	18398
Beverages and beverage materials	18351-18353	Milk, evaporated	18372
Brazil nuts	18393	Mussels, smoked	18377
Brewers rice	18364	Nuts	18393-18395
Butter	18368, 18369	Oysters	18378
Candy	18366, 18367	Peaches, canned	18380
Cashew nuts	18394, 18395	Peas, canned	18383
Catsup, tomato	18389, 18390	Pepper	18396
Cereals and cereal products	18354-18364	Pickles, dill	18386
Cheese	18370	Popcorn, unpopped	18362
grated	18396	Process cheese	18371
process	18371	Raisins	18381
Chocolate coating	18365	Rice	18363
Coffee, liquid concentrate of	18351	brewers	18364
sirup	18352	flour	18360
sweeps	18353	Shellfish. <i>See</i> Fish and shellfish.	
Dairy products	18368-18372, 18396	Shrimp, cooked, frozen	18379
Dill pickles	18386	Sirup, coffee	18352
Egg(s), frozen	18015, 18373	Spices, flavors, and seasoning materials	18396, 18397
skimings, dried	18375	Spinach, canned	18384, 18385
yolks, frozen	18374	Tomato(es), canned	18387, 18388
Enriched flour	18361	catsup	18389, 18390
Fish and shellfish	18376-18379	paste	18391, 18392
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Turmeric	18397
Flour	18354-18361	Vegetables. <i>See</i> Fruits and vegetables.	
Fruits and vegetables	18380-18392	Vitamin, mineral, and other products of special dietary significance	18398-18400
fruit, canned	18380	White's Multi-Vi Liquid	18400
dried	18381	Whiting	18376
tomatoes and tomato products	18387-18392		
vegetables and vegetable products	18382-18386		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Arkansas Rice Growers Co-operative Assn.:		Colony Foods of Virginia:	
rice	18363	pickles	18386
Armour & Co.:		Ellis Canning Co.:	
butter	18368	canned beans	18382
Associated Grocers, Inc.:		Esmeralda Canning Co.:	
flour	18358	canned peas	18383
Cabot Farmers' Cooperative Creamery Co., Inc.:		Flotill Products, Inc.:	
Cheddar cheese	18370	canned spinach	18384, 18385
		tomato paste	18391

	N. J. No.		N. J. No.
Freedman's Bakery:		Nashville Milk Co.:	
flour-----	18357	evaporated milk-----	18372
Friedman, Miles, Inc.:		New York Dock Co., Building 40:	
frozen whole eggs-----	18015	coffee sweeps-----	18353
Gallagher's Warehouse, Inc.:		Newport Cooperative Mill, Inc.:	
rice flour-----	18360	enriched flour-----	18361
General Foods Corp., Electri		O'Berry & Hall Co.:	
Cooker Division:		flour-----	18356
cashew nuts-----	18394	Ocoma Food Co.:	
General Freezer & Storage Co.:		dried egg skimmings-----	18375
whiting-----	18376	Pan American Food Co., Inc.:	
Harp Foods Mfg. Co.:		cashew nuts-----	18395
frozen egg yolks-----	18374	Rice City Milling Co.:	
Howeth, C. W., & Bro.:		brewers rice-----	18364
oysters-----	18378	Rosenhan, Joseph:	
Hunt Foods, Inc.:		pepper and grated cheese-----	18396
tomato catsup-----	18390	Sugar Creek Creamery Co.:	
Jay-Arr Food Packers. See		butter-----	18369
Rosenhan, Joseph.		Sunette Foods, Inc.:	
Leeway Motor Freight:		process cheese-----	18371
frozen egg yolks-----	18374	Sweetser Packing Co., Inc.:	
Major Vitamins, Inc.:		tomato catsup-----	18389
vitamin tablets-----	18398	Warren Watkins Candies:	
Melster Candies, Inc.:		candy-----	18367
candy-----	18366	Wimmer, S. G., & Son:	
Metzendorf Bros., Inc.:		canned peaches-----	18380
flour-----	18354	Woodruff Canning Co., Inc.:	
Monark Egg Corp.:		canned tomatoes-----	18387
frozen eggs-----	18373		



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

Agriculture

Aliens

Atomic Energy

Aviation

Business Credit

Communications

Customs

Fair Trade Practice

Food and Drugs

*Foreign Relations
and Trade*

Housing

Labor Relations

Marketing

Military Affairs

Money and Finance

Patents

Public Contracts

Public Lands

Securities

Shipping

Social Security

Taxation

Transportation

Utilities

Veterans' Affairs

Wages and Hours

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED
ON REQUEST TO THE FEDERAL REGISTER, NATIONAL
ARCHIVES, WASHINGTON 25, D. C.

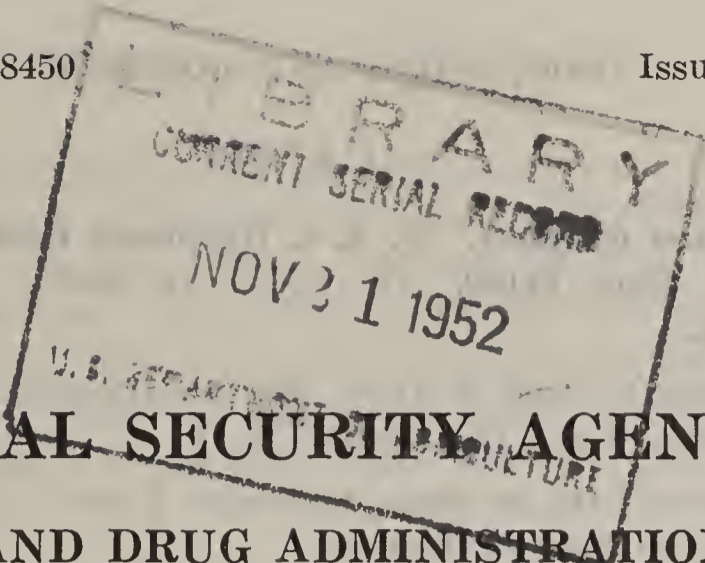
*Order from the Superintendent of Documents, United
States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

732 Nf



FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18401-18450

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., October 16, 1952.

CONTENTS

	Page		Page
Candy	172	Fruits and vegetables	179
Cereals and cereal products	172	Canned fruit	179
Bakery product	172	Dried fruit	179
Flour	173	Fresh fruit	180
Macaroni and noodle products ..	174	Vegetables	180
Miscellaneous cereals and cereal		Tomatoes and tomato products ..	182
products	175	Nuts and nut products	184
Dairy products	176	Poultry	188
Butter	176	Spices, flavors, and seasoning ma-	
Cheese and cheese product	177	terials	190
Fish and shellfish	178	Index	192

CANDY

18401. Adulteration of candy. U. S. v. Happiness Candy Stores, Inc. Plea of guilty. Fine, \$1,000. (F. D. C. No. 30094. Sample Nos. 43393-K, 43394-K.)

INFORMATION FILED: June 5, 1951, Western District of New York, against Happiness Candy Stores, Inc., Buffalo, N. Y.

ALLEGED SHIPMENT: On or about December 4 and 5, 1950, from the State of New York into the State of Illinois.

LABEL, IN PART: "Curtiss Peppermint Cream Pattie Distr. by Curtiss Candy Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 3, 1951. A plea of guilty having been entered, the court imposed a fine of \$1,000.

18402. Adulteration of candy. U. S. v. 46 Boxes * * *. (F. D. C. No. 32010. Sample No. 23118-L.)

LIBEL FILED: November 14, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 19, 1951, by Dufont Farm, Versailles, Ky.

PRODUCT: 46 boxes, each containing one pound, of candy at New York, N. Y.

LABEL, IN PART: (Box) "Dufont Toddys * * * sugar, butter, cream, salt, pecans, chocolate and Kentucky Bourbon—Bottled in Bond."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained alcohol.

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCT

18403. Adulteration of bread. U. S. v. Guhrke Baking Co., Charles Schmirer, and Theodore T. Fisher. Pleas of nolo contendere. Fine of \$100 against each defendant on count 1. Fine of \$500 against company and each individual on count 2; fines imposed on count 2 suspended. Each defendant placed on probation for 3 years. (F. D. C. No. 31558. Sample Nos. 23518-L, 23521-L, 23524-L, 23526-L, 23527-L, 23530-L.)

INFORMATION FILED: December 6, 1951, District of New Jersey, against the Guhrke Baking Co., a partnership, Newark, N. J., and Charles Schmirer and Theodore T. Fisher, partners in the partnership.

ALLEGED SHIPMENT: On or about May 21 and 25, 1951, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Guhrke's Whole-Grain Bread [or "Sliced Light Pumpernickel," "Sliced Farmer Bread," or "Sliced Sour Rye"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 29, 1952. Pleas of nolo contendere having been entered, the court suspended the imposition of sentence against the company on counts 1, 3, 4, 5, and 6, imposed a fine of \$500, which was suspended, and placed the company on probation for 3 years. The court imposed also a fine of \$100 against each of the individuals on count 1, which was required to be paid, and a fine of \$500 on count 2, which was suspended, and suspended the imposition of sentence on counts 3, 4, 5, and 6, and placed each individual on probation for 3 years.

FLOUR*

18404. Adulteration of flour. U. S. v. 75 Bags * * *. (F. D. C. No. 31983. Sample No. 9763-L.)

LIBEL FILED: November 5, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 10, 1951, from Red Wing, Minn.

PRODUCT: 75 100-pound bags of flour at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 10, 1952. Default decree of condemnation and destruction.

18405. Adulteration of flour. U. S. v. 60 Bags, etc. (F. D. C. No. 32002. Sample Nos. 22357-L to 22360-L, incl.)

LIBEL FILED: November 9, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 10 and September 7 and 12, 1951, from Louisville, Ky., Enid, Okla., and Memphis, Tenn.

PRODUCT: 191 25-pound bags and 177 10-pound bags of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 12, 1951. Default decree of condemnation and destruction.

18406. Adulteration of flour. U. S. v. Approximately 27,500 Pounds * * *. (F. D. C. No. 32021. Sample No. 6000-L.)

LIBEL FILED: November 13, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 27, 1951, by the Triangle Sales Co., from Syracuse, N. Y.

PRODUCT: Approximately 27,500 pounds of flour at Boston, Mass.

*See also No. 18438.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its fire- and water-damage which had caused it to become caked.

DISPOSITION: December 14, 1951. The American Flour Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be denatured and disposed of for tannery purposes or animal feed.

18407. Adulteration of corn flour and hominy grits. U. S. v. 17 Bags, etc. (F. D. C. No. 32003. Sample Nos. 9764-L, 9765-L.)

LIBEL FILED: November 13, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 6, July 12, and August 3, 1951, from Milwaukee, Wis.

PRODUCT: 17 100-pound bags of corn flour and 35 100-pound bags of hominy grits at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1951. The Chas. A. Krause Milling Co., Milwaukee, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, conditioned that they be converted into stock feed, under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

18408. Misbranding of macaroni and spaghetti. U. S. v. 24 Cases * * *. (F. D. C. No. 24882. Sample Nos. 12732-K, 12733-K, 12957-K, 12959-K.)

LIBEL FILED: June 22, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 23 and May 10, 1948, by Buitoni Products, Inc., from New York, N. Y.

PRODUCT: 24 cases, each containing 48 8-ounce packages, of macaroni and spaghetti at Philadelphia, Pa.

LABEL, IN PART: "Buitoni 20% Protein Spaghetti" and "Buitoni 20% Gluten Macaroni * * * Small Macaroni Ribbons [or "Buitoni 20% Gluten Spaghetti"] with added Wheat Germ, Vitamin B₁ and Iron."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the macaroni and spaghetti which were labeled in part "with added Wheat Germ, Vitamin B₁ and Iron" purported to be and were represented as enriched macaroni products, foods for which definitions and standards of identity have been prescribed, and the articles failed to conform to the definitions and standards. The definitions and standards provide that when the optional ingredient, gum gluten, is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour, or any combination of those used, does not exceed 13 percent of the weight of the finished food. The articles contained as one of their optional ingredi-

ents, gum gluten, and the protein derived therefrom, together with the protein derived from durum flour and semolina, exceeded 13 percent of the weight of the finished food.

Further misbranding, Section 403 (g) (1), the article labeled in part "Buitoni 20% Protein Spaghetti" purported to be and was represented as a macaroni product, spaghetti, a food for which a definition and standard of identity has been prescribed, and the article failed to conform to such definition and standard. The definition and standard provides that when the macaroni product, spaghetti, contains as one of its optional ingredients, added gum gluten, the protein content of the finished food is not more than 13 percent by weight. The article contained as one of its optional ingredients, added gum gluten, and its protein content was more than 13 percent by weight.

DISPOSITION: Buitoni Products, Inc., appeared as claimant and filed an answer to the libel. On October 11, 1951, a stipulation between the parties was approved by the court, pursuant to which it was agreed that since the products had deteriorated, resulting in the questions of law raised by the libel having become moot, the product under seizure should be destroyed and the case dismissed with prejudice.

18409. Adulteration of spaghetti dinner. U. S. v. 23 Cases * * *. (F. D. C. No. 32055. Sample No. 29526-L.)

LIBEL FILED: November 2, 1951, Western District of Washington.

ALLEGED SHIPMET: On or about August 12, 1946, from Milwaukie, Oreg.

PRODUCT: 23 cases, each containing 24 cartons, of spaghetti dinner at Tacoma, Wash. Each carton contained 8 ounces of spaghetti, 7½ ounces of sauce, and ½ ounce of cheese.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested spaghetti and cheese, and of a decomposed substance by reason of the presence of decomposed sauce. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 18, 1952. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

18410. Adulteration of corn grits. U. S. v. Pabst Brewing Co. Plea of nolo contendere. Fine of \$600, plus costs. (F. D. C. No. 31566. Sample Nos. 9984-L to 9987-L, incl., 23851-L, 31695-L.)

INFORMATION FILED: December 27, 1951, Southern District of Illinois, against the Pabst Brewing Co., a corporation, Peoria, Ill.

ALLEGED SHIPMENT: On or about June 20, 21, and 22, 1951, from the State of Illinois into the States of Wisconsin and New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent excreta fragments, rodent hairs, and larvae; and, Section 402 (a) (4), the

*See also Nos. 18407, 18438.

article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 3, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$600, plus costs.

18411. Adulteration of unpopped popcorn. U. S. v. 59 Cases, etc. (F. D. C. No. 30124. Sample Nos. 78359-K, 78360-K, 90261-K to 90263-K, incl.)

LIBEL FILED: November 10, 1950, District of Montana; amended October 22, 1951.

ALLEGED SHIPMENT: On or about July 14 and December 17, 1949, from Buhl, Idaho.

PRODUCT: 59 cases, each containing 24 1-pound packages, and 25 cases, each containing 12 2-pound packages, of unpopped popcorn at Missoula, Mont.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged kernels, and of a decomposed substance by reason of the presence of moldy kernels. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 21, 1951. Southern Idaho Growers, Buhl, Idaho, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be denatured and turned over to a State institution, for use as animal feed or destroyed.

DAIRY PRODUCTS

BUTTER

18412. Adulteration of butter. U. S. v. Harold A. Hamilton (Eldorado Creamery Co.). Plea of guilty. Fine of \$1,000 and sentence of 2 years in jail. Jail sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 31578. Sample Nos. 12520-L, 12523-L.)

INFORMATION FILED: January 22, 1952, Southern District of Ohio, against Harold A. Hamilton, trading as the Eldorado Creamery Co., Eldorado, Ohio.

ALLEGED SHIPMENT: On or about September 15 and 22, 1951, from the State of Ohio into the State of Indiana.

LABEL, IN PART: (Wrapper) "Wayne County Farm Bureau Produce Ass'n. Distributors Richmond, Indiana Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly fragments, cow hairs, mites, feather barbules, insect fragments, and rodent hair fragments.

DISPOSITION: June 9, 1952. A plea of guilty having been entered, the court imposed a fine of \$1,000 and a sentence of 2 years in jail, which sentence was suspended, and placed the defendant on probation for 2 years.

CHEESE AND CHEESE PRODUCT

18413. Adulteration and misbranding of process American cheese. U. S. v. 2 Boxes * * *. (F. D. C. No. 32567. Sample No. 16423-L.)

LIBEL FILED: On or about March 7, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 11, 1952, by Todd Cheese Products, Inc., from Girard, Kans.

PRODUCT: 2 boxes, each containing 6 5-pound loaves, of process American cheese at Carthage, Mo.

LABEL, IN PART: (Loaf) "Spring River Pasteurized Process American Cheese" or "Jayhawk Brand Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt and insect fragments; and, Section 402 (b) (2), a product containing more than 40 percent of moisture, the solids of which contained less than 50 percent of milk fat, had been substituted for pasteurized process American cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for pasteurized process American cheese since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: May 26, 1952. Default decree of condemnation and destruction.

18414. Adulteration of grated cheese. U. S. v. 1 Drum * * *. (F. D. C. No. 31017. Sample No. 24269-L.)

LIBEL FILED: June 1, 1951, Northern District of New York.

ALLEGED SHIPMENT: On or about April 16, 1951, by the Moss Food Products Corp., from North Bergen, N. J.

PRODUCT: 1 125-pound drum of grated cheese at Troy, N. Y.

LABEL, IN PART: "Grated Cheese Romano Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 12, 1951. Default decree of condemnation and destruction.

18415. Adulteration of Welsh rabbit. U. S. v. 26 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 31938, 31939, 31945. Sample Nos. 3575-L, 3578-L, 38474-L.)

LIBELS FILED: On or about October 23, 24, and 26, 1951, District of Maryland and Southern District of New York.

ALLEGED SHIPMENT: On or about August 17 and September 11, 12, and 25, 1951, by the Sue Ann Food Products Corp., from Chicago, Ill.

PRODUCT: 65 cases, each containing 12 10-ounce jars, of Welsh rabbit at Baltimore, Md., and New York, N. Y.

LABEL, IN PART: (Jar) "Cocktail Delight Welsh Rarebit * * * Made With Sherry Wine" and "Reese Brand Welsh Rarebit Tomatoe."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: November 14 and 15, 1951. Default decrees of condemnation and destruction.

FISH AND SHELLFISH

18416. Adulteration of canned salmon. U. S. v. 2,479 Cases * * *. (F. D. C. No. 32109. Sample No. 30109-L.)

LIBEL FILED: November 19, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about September 11 and 15, 1951, by S. Einstoss, from Petersburg, Alaska.

PRODUCT: 2,479 cases, each containing 48 1-pound cans, of coho salmon at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed salmon.

DISPOSITION: January 3, 1952. S. Einstoss, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and sorting of the unfit portion, under the supervision of the Federal Security Agency. Approximately 290 cases were found unfit and were destroyed.

18417. Adulteration and misbranding of oysters. U. S. v. 244 Cans, etc. (F. D. C. No. 31956. Sample Nos. 4524-L to 4526-L, incl.)

LIBEL FILED: November 3, 1951, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 23, 1951, by the J. W. Ferguson Seafood Co., from Remlik, Va.

PRODUCT: 244 1-pint cans of oysters standards and 44 1-pint cans and 3 1-gallon cans of oysters extra selects at Elizabeth City, N. C.

LABEL, IN PART: "Oysters Standards [or "Extra Selects"] Rappahannock Brand Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definitions and standards of identity for oysters standards and oysters extra selects since they were not thoroughly drained; the oysters extra selects contained more than 210 oysters in a gallon; and a quart of the smallest oysters selected contained more than 58 oysters.

DISPOSITION: April 1, 1952. Default decree of condemnation and destruction.

18418. Adulteration and misbranding of oysters. U. S. v. 67 Cans * * *.
(F. D. C. No. 31979. Sample No. 3407-L.)

LIBEL FILED: November 2, 1951, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about October 29, 1951, by M. F. Quinn from Hampton, Va.

PRODUCT: 67 pint cans of oysters at Chattanooga, Tenn.

LABEL, IN PART: (Can) "Oysters Standards Plum Tree Island Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oysters standards since it had not been thoroughly drained as required by the regulations prescribing a definition and standard of identity for oysters.

DISPOSITION: December 18, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18419. Misbranding of canned peaches. U. S. v. 84 Cases * * *. (F. D. C. No. 32131. Sample No. 32368-L.)

LIBEL FILED: November 26, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 12, 1951, by Roberts Bros., Inc., from Americus, Ga.

PRODUCT: 84 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Pine Bluff, Ark.

LABEL, IN PART: "Roberts Big R Brand Halves Yellow Freestone Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a standard of identity has been prescribed by regulations; and its label failed to bear, as required by the regulations, the name of the optional packing medium present since the label bore the statement "In Heavy Syrup," and the article was packed in light sirup.

DISPOSITION: January 7, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

DRIED FRUIT

18420. Adulteration of raisins. U. S. v. 150 Boxes * * *. (F. D. C. No. 32089. Sample No. 15142-L.)

LIBEL FILED: November 19, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about March 20, 1951, from Del Rey, Calif.

PRODUCT: 150 30-pound boxes of raisins at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 18, 1951. The Central California Packing Co., Del Rey, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Federal Security Agency. The product was manufactured into alcohol.

FRESH FRUIT

18421. Adulteration of blueberries. U. S. v. 11 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 32242, 32248, 32249. Sample Nos. 8935-L, 8941-L, 8942-L.)

LIBELS FILED: November 7 and 9, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 16, 20, and 21, 1951, by T. A. Dumetz, from Hartford, Mich.

PRODUCT: 32 cases, each containing 16 1-quart boxes, of blueberries at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the product was infested with maggots.)

DISPOSITION: December 28, 1951. Default decrees of condemnation and destruction.

18422. Adulteration of blueberries. U. S. v. 12 Cases * * *. (F. D. C. No. 32243. Sample No. 8936-L.)

LIBEL FILED: November 6, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 28, 1951, by T. A. Dumetz, from Hartford, Mich.

PRODUCT: 12 cases, each containing 16 1-quart boxes, of blueberries at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article was infested with maggots.)

DISPOSITION: December 12, 1951. Default decree of condemnation and destruction.

VEGETABLES

18423. Adulteration of brown beans and thyme. U. S. v. 24 Bags * * * (and 1 other seizure action). (F. D. C. No. 32015. Sample Nos. 37196-L, 37200-L.)

LIBELS FILED: November 15, 1951, Southern District of New York.

ALLEGED SHIPMENT: (Brown beans) On or about October 18, 1949, from Holland, and (thyme) on or about February 27, 1950, from France.

PRODUCT: 24 98-pound bags of brown beans and 10 150-pound bags of thyme at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects and insect fragments. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1951. No claimant having appeared for the brown beans, a decree of condemnation and destruction was entered.

December 20, 1951. Albert Ehlers, Inc., Brooklyn, N. Y., claimant for the thyme, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be salvaged under the supervision of the Food and Drug Administration. Of the 1,486 pounds seized, 1,206 pounds were salvaged as good, and the rejected portion was denatured.

18424. Misbranding of canned peas. U. S. v. 125 Cases * * *. (F. D. C. No. 31960. Sample No. 22102-L.)

LIBEL FILED: On or about November 8, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about June 8, 1951, by the Delta Canning, Co., Inc., from Raymondville, Tex.

PRODUCT: 125 cases, each containing 48 15-ounce cans, of peas at Tylertown, Miss.

LABEL, IN PART: (Can) "Delco Brand Alaska Peas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations; and the label of the article failed to bear the name of the optional pea ingredient present. (The definition and standard provides that the label for canned peas shall name the optional pea ingredient present in the article by the use of the words "Early," "June," or "Early June," and that such words shall immediately and conspicuously precede or follow the name of the optional pea ingredient without intervening written, printed, or graphic matter.)

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because the alcohol-insoluble solids of the article were in excess of 23.5 percent, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: January 18, 1952. The Delta Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

18425. Adulteration of canned sweetpotatoes. U. S. v. 80 Cases * * *. (F. D. C. No. 32008. Sample No. 25662-L.)

LIBEL FILED: November 9, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: During or about the month of May 1951, from Federalsburg, Md.

PRODUCT: 80 cases, each containing 24 1-pound, 13-ounce cans, of sweetpotatoes at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. It was undergoing progressive spoilage. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1951. Default decree of condemnation and destruction.

18426. Adulteration of canned spinach. U. S. v. 64 Cases * * *. (F. D. C. No. 32012. Sample No. 24643-L.)

LIBEL FILED: November 13, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 21, 1951, by Flotill Products, from Stockton, Calif.

PRODUCT: 64 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Bronx, N. Y.

LABEL, IN PART: "Mother's Best Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18427. Adulteration of canned tomatoes. U. S. v. 18 Cases * * *. (F. D. C. No. 32013. Sample No. 5999-L.)

LIBEL FILED: November 8, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 30, 1950, from Naples, Italy.

PRODUCT: 18 cases, each containing 48 1-pound, 1-ounce cans, of tomatoes at Watertown, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. It was undergoing progressive spoilage. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 11, 1952. Default decree of condemnation and destruction.

18428. Adulteration and misbranding of canned tomatoes. U. S. v. 838 Cases * * *. (F. D. C. No. 32075. Sample No. 18945-L.)

LIBEL FILED: November 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 27, 1951, by Westwood Canning Co., Inc., from New Castle, Ind.

PRODUCT: 838 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes, at Hopkins, Minn.

LABEL, IN PART: (Can) "Wisdom Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and

maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by the definition and standard, the name of the optional ingredient, calcium salt or calcium salts, present in the article.

DISPOSITION: January 2, 1952. A default decree was entered, ordering that the product be denatured for use as animal feed or destroyed.

18429. Adulteration and misbranding of canned tomatoes. U. S. v. 549 Cases
* * *. (F. D. C. No. 32076. Sample No. 18946-L.)

LIBEL FILED: November 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 14, 1951, by the Westwood Canning Co., Inc., from New Castle, Ind.

PRODUCT: 549 cases, each containing 6 unlabeled No. 10 cans, of tomatoes at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents. Further misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as the definition and standard requires, the name of the optional ingredient, calcium salt or calcium salts, present in the article.

DISPOSITION: January 2, 1952. A default decree was entered, ordering that the product be denatured for use as animal feed or destroyed.

18430. Misbranding of canned tomatoes. U. S. v. 153 Cases * * *. (F. D. C. No. 31976. Sample No. 21600-L.)

LIBEL FILED: November 2, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about July 5, 1951, by Delta Canning Co., Inc., from Raymondville, Tex.

PRODUCT: 153 cases, each containing 24 1-pound cans, of tomatoes at Gulfport, Miss.

LABEL, IN PART: (Can) "Delco Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality because the drained weight was less than 50 percent of the weight of the water required to fill the container.

DISPOSITION: January 23, 1952. The Delta Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and

the court ordered that the article be released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

18431. Adulteration of tomato juice. U. S. v. 38 Cases * * *. (F. D. C. No. 32001. Sample No. 5982-L.)

LIBEL FILED: November 9, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about August 15, 1951, by the Mason Canning Co., Inc., from Pocomoke City, Md.

PRODUCT: 38 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Norwich, Conn.

LABEL, IN PART: (Can) "Sea View Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 7, 1952. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of two cases which were ordered delivered to the Food and Drug Administration.

18432. Misbranding of tomato puree. U. S. v. 498 Cases * * *. (F. D. C. No. 32200. Sample No. 23418-L.)

LIBEL FILED: November 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 10, 1951, by Morris April Bros., from Bridgeton, N. J.

PRODUCT: 498 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Bronx, N. Y.

LABEL, IN PART: (Can) "Crown Brand Fancy Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy" was false and misleading as applied to the product, which contained an excessive amount of specks and seed particles.

DISPOSITION: January 30, 1952. Morris April of Bridgeton, N. J., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

NUTS AND NUT PRODUCTS

18433. Adulteration of unshelled brazil nuts. U. S. v. 39 Bags * * * (and one other seizure action). (F. D. C. Nos. 32068, 32080, 32081. Sample Nos. 19281-L, 35255-L.)

LIBELS FILED: November 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 19, 1951, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 239 100-pound bags of unshelled brazil nuts at Minneapolis and St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed nuts.

DISPOSITION: November 15, 1951. The libel actions having been consolidated and the Tew-Harper Co. of Minneapolis, Minn.,-claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was sorted for the purpose of segregating the fit portion from the bad. 1,400 pounds were found unfit and were destroyed.

18434. Adulteration of cashew nuts. U. S. v. 30 Cases, etc. (F. D. C. Nos. 31843, 31844. Sample No. 27383-L.)

LIBEL FILED: October 2, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about August 25, 1951, by the Biddle Purchasing Co., from New York, N. Y.

PRODUCT: 90 50-pound cases of cashew nuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 9, 1951. The Biddle Purchasing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was examined and sorted, with the result that a total of 50 pounds of the product was found unfit and was denatured.

18435. Adulteration of cashew nuts. U. S. v. 100 Cases, etc. (F. D. C. No. 32143. Sample Nos. 26973-L, 26978-L, 26979-L.)

LIBEL FILED: December 5, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about October 12, 1951, by Wm. A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 159 cases, each containing 2 25-pound tins, of cashew nuts at Oakland, Calif.

LABEL, IN PART: "Shelled Cashew Nuts packed by A. Thangalkunju Musaliap & Sons Ltd. Quilon" and "Packed by E. C. Govindanasan and Sons. Quilon S India * * * Cashew Nut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 27, 1951. Wm. A. Camp Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. 125 pounds of the product were found unfit and were destroyed.

18436. Adulteration of cashew nuts and peanut butter. U. S. v. John W. Leavitt Co. and Nubar J. Dinjian. Pleas of guilty. Fines of \$450 against company and \$50 against individual. (F. D. C. No. 31557. Sample Nos. 5505-L, 5511-L, 5512-L.)

INFORMATION FILED: February 7, 1952, District of Massachusetts, against John W. Leavitt Co., a corporation, Boston, Mass., and Nubar J. Dinjian, plant manager of the corporation.

ALLEGED SHIPMENT: On or about April 12 and 18, 1951, from the State of Massachusetts into the State of Maine.

LABEL, IN PART: "Teddie Salted Cashews" and "Teddie Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 12, 1952. Pleas of guilty having been entered, the court imposed a fine of \$450 against the company and a fine of \$50 against the individual.

18437. Adulteration of shelled Spanish peanuts. U. S. v. 11 Bags * * *. (F. D. C. No. 31955. Sample No. 9901-L.)

LIBEL FILED: November 6, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 27, 1951, by the King Peanut Co., from Abilene, Tex.

PRODUCT: 11 120-pound bags of shelled Spanish peanuts at Chicago, Ill.

LABEL, IN PART: "Pee Wee."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance, stones, which may have rendered it injurious to health.

DISPOSITION: January 7, 1952. Default decree of condemnation and destruction.

18438. Adulteration of unshelled peanuts, flour, and pancake mix. U. S. v. 57 Bags, etc. (and 2 other seizure actions). (F. D. C. No. 32462. Sample Nos. 35335-L to 35339-L, incl.)

LIBELS FILED: January 30, 1952, District of South Dakota.

ALLEGED SHIPMENT: On or about October 2, November 20, and December 28, 1951, from Omaha, Nebr., Suffolk, Va., and Minneapolis, Minn.

PRODUCT: 109 100-pound bags of unshelled peanuts, 160 25-pound bags and 57 50-pound bags of flour, and 7 cases, each containing 12 3½-pound bags, of pancake mix at Mitchell, S. Dak.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (109 100-pound bags of unshelled peanuts) the product consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed peanuts; (160 25-pound bags and 57 50-pound bags of flour) the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and (7 cases, each containing 12 3½-pound bags, of pancake mix) the product

consisted in whole or in part of a filthy substance by reason of the presence of insects.

Further adulteration, Section 402 (a) (4), (109 100-pound bags of unshelled peanuts and 57 50-pound bags of flour in the possession of the Mitchell Wholesale Grocery & Fruit Co.) the products had been held under insanitary conditions whereby they may have become contaminated with filth.

The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 14, 1952. The Mitchell Wholesale Grocery & Fruit Co., Mitchell, S. Dak., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

18439. Adulteration of shelled pecans. U. S. v. 258 Boxes * * *. (F. D. C. No. 32058. Sample No. 6994-L.)

LIBEL FILED: October 31, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 18, 1951, by the Consolidated Pecan Sales Co., from Albany, Ga.

PRODUCT: 258 25-pound boxes of shelled pecans at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed pecans.

DISPOSITION: November 15, 1951. The Consolidated Pecan Sales Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

On November 16, 1951, the decree was amended to provide for the segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operation resulted in a total of 3,384 pounds of nuts being found unfit. This portion was converted into bird feed.

18440. Adulteration of shelled walnuts. U. S. v. 2 Cases * * *. (F. D. C. No. 32078. Sample No. 19063-L.)

LIBEL FILED: November 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about May 9, 1951, from New York, N. Y.

PRODUCT: 2 25-pound cases of shelled walnuts at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 2, 1952. A default decree was entered, ordering that the product be denatured for use as animal feed.

POULTRY

18441. Adulteration of dressed poultry. U. S. v. Seymour Weinberg (Weinberg Poultry). Plea of guilty. Fine of \$300; jail sentence of 1 year suspended and defendant placed on probation for 3 years. (F. D. C. No. 31572. Sample No. 25792-L.)

INFORMATION FILED: On or about January 4, 1952, District of New Jersey, against Seymour Weinberg, trading as Weinberg Poultry, Norma, N. J.

ALLEGED SHIPMENT: On or about September 13, 1951, from the State of New Jersey into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of rotten poultry; Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (a) (5), the article was in part the product of a diseased animal in that it consisted in part of poultry that was affected with tumors, ulcers, ascites, peritonitis, leukemia, dermatitis, nephritis, and an abscess.

DISPOSITION: February 15, 1952. A plea of guilty having been entered, the court imposed a fine of \$300 and a sentence of 1 year in jail, which sentence was suspended, and placed the defendant on probation for 3 years.

18442. Adulteration of dressed poultry. U. S. v. Ann Amico (A & A Poultry Plant), and Sam Amico. Pleas of guilty. Fine of \$200 against each defendant on count 1; imposition of fine suspended on count 2 and each defendant placed on probation for 5 years. (F. D. C. No. 31563. Sample Nos. 24320-L, 24336-L.)

INFORMATION FILED: On or about January 4, 1952, District of New Jersey, against Ann Amico, trading as the A & A Poultry Plant, at Vineland, N. J., and Sam Amico, an employee.

ALLEGED SHIPMENT: On or about April 3 and May 25, 1951, from the State of New Jersey into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of "greenstruck" poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal in that the article consisted in part of poultry affected with tumors, ascites, hepatitis, leukemia, necrosis, liver degeneration, salpingitis, peritonitis, and vent gleet.

DISPOSITION: February 15, 1952. Pleas of guilty having been entered, the court imposed a fine of \$200 against each of the defendants on count 1 of the information, suspended the imposition of a fine on count 2, and placed the defendants on probation for 5 years.

18443. Adulteration of dressed poultry. U. S. v. 379 Pounds * * *. (F. D. C. No. 31986. Sample No. 25798-L.)

LABEL FILED: November 7, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 24, 1951, by Armour & Co., Chesapeake Plant, from Hastings, Md.

PRODUCT: 379 pounds of dressed poultry at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: January 21, 1952. Default decree of condemnation. The court ordered that one crate of the article be delivered to the Federal Security Agency and that the remainder be destroyed.

18444. Adulteration of dressed poultry. U. S. v. 204 Pounds * * *. (F. D. C. No. 32154. Sample No. 38298-L.)

LIBEL FILED: November 16, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about October 30, 1951, by Carolina Poultry Farms, Inc., from Federalsburg, Md.

PRODUCT: 204 pounds of dressed poultry at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: January 29 and April 2, 1952. Default decree of condemnation. The court ordered that the product be delivered to the Food and Drug Administration for sampling and destruction.

18445. Adulteration of dressed poultry. U. S. v. 21 Crates * * *. (F. D. C. No. 31718. Sample No. 24378-L.)

LIBEL FILED: On or about September 24, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 5, 1951, by Berry Bros., from Morrill, Maine.

PRODUCT: 21 crates, each containing 65 pounds, of dressed poultry at New York, N. Y. Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

LABEL, IN PART: "Berry Brothers Quality Packed Maine Poultry * * * AA Capet * * *."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance, diethylstilbestrol, which is unsafe within the meaning of the law.

DISPOSITION: November 5, 1951. Berry Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, on condition that the head and neck of each bird be removed and that all of the birds be eviscerated, under the supervision of the Federal Security Agency.

18446. Adulteration of dressed turkeys. U. S. v. 8 Crates * * *. (F. D. C. No. 32404. Sample No. 38322-L.)

LIBEL FILED: January 7, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about November 15, 1951, by the R. L. Stanislaus Poultry Service, from Carthage, Mo.

PRODUCT: 8 crates, each containing approximately 79 pounds, of hen turkeys at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of crop material and fecal matter.

DISPOSITION: March 24, 1952. Default decree of condemnation and destruction.

18447. Adulteration of dressed turkey. U. S. v. 5 Crates. * * *. (F. D. C. No. 32009. Sample No. 38296-L.)

LIBEL FILED: November 9, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 24, 1951, by the Cavalier Poultry Co., from Harrisonburg, Va.

PRODUCT: 5 crates, containing approximately 250 pounds, of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material.

DISPOSITION: November 28, 1951. Default decree of condemnation. The court ordered that samples of the article be delivered to the Food and Drug Administration and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS*

18448. Adulteration and misbranding of black pepper. U. S. v. Meer Corp. and Ellis Meer. Pleas of guilty. Fine of \$1,350 against defendants jointly. (F. D. C. No. 31122. Sample Nos. 1814-L, 6878-L, 9080-L, 11376-L, 25301-L, 27831-L, 27832-L, 28151-L.)

INFORMATION FILED: March 27, 1952, Southern District of New York, against the Meer Corp., New York, N. Y., and Ellis Meer, president of the corporation.

ALLEGED SHIPMENT: On or about October 4 and November 24, 1950, and January 25, 29, and 30, and February 1 and 12, 1951, from the State of New York into the States of California, Georgia, Pennsylvania, Illinois, and Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seeds had been substituted for black pepper.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" on the label of a portion of the article was false and misleading.

DISPOSITION: May 21, 1952. Pleas of guilty having been entered, the court imposed a fine of \$1,350 against the defendants jointly.

*See also No. 18423.

18449. Adulteration and misbranding of oil of lemon and adulteration of oil of orange. U. S. v. Berje Chemical Products, Inc., Julius L. Bleimann, and Alexander Bleimann. Pleas of guilty. Corporation fined \$50. Individual defendants fined \$400 each and sentenced to 30 days in jail; jail sentence suspended and individuals placed on probation for 1 year. (F. D. C. No. 31549. Sample Nos. 55996-K, 65554-K, 86055-K, 92203-K, 92204-K.)

INFORMATION FILED: January 2, 1952, Southern District of New York, against the Berje Chemical Products, Inc., New York, N. Y., and Julius L. Bleimann, president and treasurer, and Alexander Bleimann, vice president and secretary.

ALLEGED SHIPMENT: On or about August 31 and September 14 and 28, 1950, from the State of New York into the States of Kansas, Illinois, Texas, and New Jersey.

LABEL, IN PART: "Berje Products Company Manufacturers Distillers * * * Oil of Lemon Calif. U. S. P., C. P. [or "Oil of Orange, Calif., U. S. P."]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), substances not genuine oil of lemon (or oil of orange) had been substituted in whole or in part for oil of lemon, U. S. P. (or oil of orange, U. S. P.).

Misbranding (oil of lemon only), Section 403 (a), the statement "Oil of Lemon Calif. U. S. P., C. P." borne on the label was false and misleading since the article was not genuine oil of lemon.

DISPOSITION: April 16, 1952. Pleas of guilty having been entered, the court imposed a fine of \$10 against the corporation on each of the 5 counts of the information, sentenced the individual defendants to 30 days in jail on count 1, and fined each individual defendant \$100 on each of the remaining 4 counts of the information. The court suspended the jail sentence against the individuals and placed them on probation for 1 year.

18450. Misbranding of imitation vanilla flavor. U. S. v. Roisman Products Co. Plea of nolo contendere. Fine of \$50 and probation for 3 years. (F. D. C. No. 31303. Sample No. 88402-K.)

INFORMATION FILED: February 11, 1952, Western District of Oklahoma, against the Roisman Products Co., a partnership, Oklahoma City, Okla.

ALLEGED SHIPMENT: On or about September 6, 1950, from the State of Oklahoma into the State of Colorado.

LABEL, IN PART: (Bottle) "Fulvalu Imitation Vanilla Flavor * * * Contents 1 Quart Roisman Products Co. Oklahoma City, Okla."

NATURE OF CHARGE: Misbranding (count 1), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the bottles contained less than the declared amount.

The information charged also in the remaining 4 counts of the information the interstate shipment of various drugs which were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3720.

DISPOSITION: February 15, 1952. A plea of nolo contendere having been entered the court imposed a fine of \$25 on the count charging the interstate shipment of the imitation vanilla flavor, and a fine of \$25 on the second count charging the interstate shipment of epsom salt. The court suspended the imposition of sentence on the remaining 3 counts of the information and placed the defendant on probation for a period of 3 years.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18401-18450

PRODUCTS

	N. J. No.		N. J. No.
Bakery product_____	18403	Noodles. <i>See</i> Macaroni and	
Beans, brown, dried_____	18423	noodle products.	
Blueberries, fresh_____	18421, 18422	Nuts and nut products_____	18433-18440
Brazil nuts, unshelled_____	18433	Orange oil_____	18449
Bread_____	18403	Oysters_____	18417, 18418
Butter_____	18412	Pancake mix_____	18438
Candy_____	18401, 18402	Peaches, canned_____	18419
Cashew nuts_____	18434-18436	Peanut(s), butter_____	18436
Cereals and cereal products_____	18403-18411, 18438	shelled, Spanish_____	18437
Cheese, grated_____	18414	unshelled_____	18438
process_____	18413	Peas, canned_____	18424
Corn flour_____	18407	Pecans, shelled_____	18439
grits_____	18410	Pepper, black_____	18448
Dairy products_____	18412-18415	Popcorn, unpopped_____	18411
Fish and shellfish_____	18416-18418	Poultry, dressed_____	18441-18447
Flavors, <i>See</i> Spices, flavors,		Raisins_____	18420
and seasoning materials.		Salmon, canned_____	18416
Flour_____	18404-18407, 18438	Shellfish. <i>See</i> Fish and shellfish.	
Fruits and vegetables_____	18419-18432	Spaghetti. <i>See</i> Macaroni and	
fruit, canned_____	18419	noodle products.	
dried_____	18420	Spanish peanuts, shelled_____	18437
fresh_____	18421, 18422	Spices, flavors, and seasoning	
tomatoes and tomato prod-		materials_____	18423, 18448-18450
ucts_____	18427-18432	Spinach, canned_____	18426
vegetables_____	18423-18426	Sweetpotatoes, canned_____	18425
Grits, corn_____	18410	Thyme_____	18423
hominy_____	18407	Tomato(es), canned_____	18427-18430
Hominy grits_____	18407	juice_____	18431
Lemon oil_____	18449	puree_____	18432
Macaroni and noodle products--	18408, 18409	Vanilla flavor, imitation_____	18450
		Vegetables. <i>See</i> Fruits and vege-	
		tables.	
		Walnuts, shelled_____	18440
		Welsh rabbit_____	18415

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
A & A Poultry Plant. <i>See</i> Amico, Ann.		Happiness Candy Stores, Inc.: candy_____	18401
Amico, Ann, and Sam: dressed poultry_____	18442	Higgins, Wm. A., & Co., Inc.: unshelled brazil nuts_____	18433
Armour & Co., Chesapeake Plant: dressed poultry_____	18443	King Peanut Co.: shelled Spanish peanuts_____	18437
Berje Chemical Products, Inc.: oil of lemon and oil of orange--	18449	Leavitt, John W., Co.: cashew nuts and peanut butter _____	18436
Berry Bros.: dressed poultry_____	18445	Mason Canning Co., Inc.: tomato juice_____	18431
Biddle Purchasing Co.: cashew nuts_____	18434	Meer, Ellis: black pepper_____	18448
Bleimann, Alexander, and J. L.: oil of lemon and oil of orange--	18449	Meer Corp.: black pepper_____	18448
Buitoni Products, Inc.: macaroni and spaghetti_____	18408	Morris April Bros.: tomato puree_____	18432
Camp, Wm. A., Co., Inc.: cashew nuts_____	18435	Moss Food Products Corp.: grated cheese_____	18414
Carolina Poultry Farms, Inc.: dressed poultry_____	18444	Musaliap, A. Thangalkunju, & Sons, Ltd.: cashew nuts_____	18435
Cavalier Poultry Co.: dressed turkeys_____	18447	Pabst Brewing Co.: corn grits_____	18410
Consolidated Pecan Sales Co.: shelled pecans_____	18439	Quinn, M. F.: oysters_____	18418
Curtiss Candy Co.: candy_____	18401	Roberts Bros., Inc.: canned peaches_____	18419
Delta Canning Co., Inc.: canned peas_____	18424	Roisman Products Co.: imitation vanilla flavor_____	18450
tomatoes _____	18430	Schmirer, Charles: bread _____	18403
Dinjian, N. J.: cashews and peanut butter----	18436	Stanislaus, R. L., Poultry Serv- ice: dressed turkeys_____	18446
Dufont Farm: candy_____	18402	Sue Ann Food Products Corp.: Welsh rabbit_____	18415
Dumetz, T. A.: blueberries_____	18421, 18422	Todd Cheese Products, Inc.: process American cheese-----	18413
Einstoss, S.: canned salmon_____	18416	Triangle Sales Co.: flour_____	18406
Eldorado Creamery Co. <i>See</i> Hamilton, H. A.		Wayne County Farm Bureau Produce Assn.: butter_____	18412
Ferguson, J. W., Seafood Co.: oysters_____	18417	Weinberg, Seymour: dressed poultry_____	18441
Fisher, T. T.: bread _____	18403	Weinberg Poultry. <i>See</i> Wein- berg, Seymour.	
Flotill Products: canned spinach_____	18426	Westwood Canning Co., Inc.: canned tomatoes-----	18428, 18429
Govindanasan, E. C. & Sons: cashew nuts_____	18435		
Guhrke Baking Co.: bread _____	18403		
Hamilton, H. A.: butter_____	18412		



FEDERAL REGISTER

The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

Agriculture

Aliens

Atomic Energy

Aviation

Business Credit

Communications

Customs

*Fair Trade Prac-
tice*

Food and Drugs

*Foreign Relations
and Trade*

Housing

Labor Relations

Marketing

Military Affairs

Money and Finance

Patents

Public Contracts

Public Lands

Securities

Shipping

Social Security

Taxation

Transportation

Utilities

Veterans' Affairs

Wages and Hours

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED
ON REQUEST TO THE FEDERAL REGISTER, NATIONAL
ARCHIVES, WASHINGTON 25, D. C.

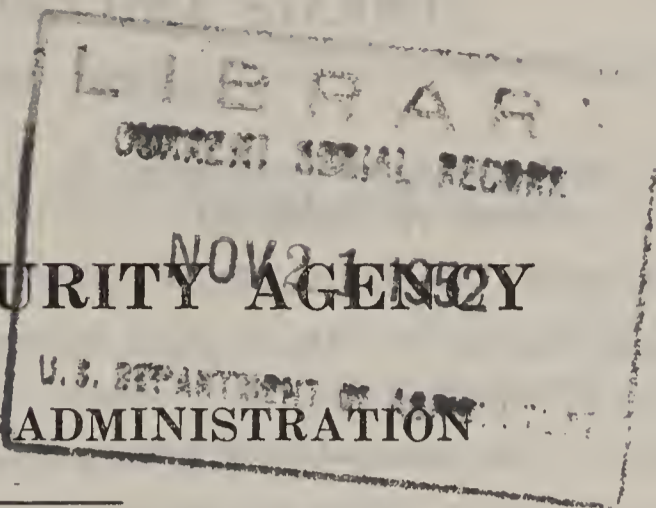
*Order from the Superintendent of Documents, United
States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

732 Nf



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18451-18500

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *October 16, 1952.*

CONTENTS

	Page		Page
Cereals and cereal products.....	196	Fruits and vegetables—Continued	
Bakery product.....	196	Dried fruit.....	203
Flour.....	196	Fresh fruit.....	204
Miscellaneous cereals and cereal products.....	197	Vegetables and vegetable products.....	204
Dairy products.....	198	Tomatoes and tomato products..	206
Butter.....	198	Nuts.....	208
Cheese.....	199	Poultry.....	209
Fish and shellfish.....	199	Spices, flavors, and seasoning materials.....	212
Fruits and vegetables.....	202	Index.....	213
Canned fruit.....	202		

CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCT**

18451. Misbranding of fruit cake, U. S. v. 42 * * *. (F. D. C. No. 32183. Sample No. 25663-L.)

LIBEL FILED: November 26, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 13, 1951, by the Blue Baking Co., from Brooklyn, N. Y.

PRODUCT: 42 2-pound fruit cakes at Philadelphia, Pa.

LABEL, IN PART: "Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Rum and Brandy" was false and misleading since the product did not have a rum and brandy flavor; and, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: April 22, 1952. Default decree of condemnation and destruction.

FLOUR

18452. Adulteration of flour. U. S. v. 273 Bags * * *. (F. D. C. No. 32240. Sample No. 24173-L.)

LIBEL FILED: December 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 15, 1951, from Toronto, Canada.

PRODUCT: 273 100-pound bags of flour at New York, N. Y., in possession of Morris Erde, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 18, 1952, Morris Erde, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond, to be used in the manufacture of dog food, under the supervision of the Food and Drug Administration.

18453. Adulteration of pastry flour. U. S. v. 6 Bags * * *. (F. D. C. No. 32191. Sample No. 24167-L.)

LIBEL FILED: November 27, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 15, 1951, from Clifton, N. J.

PRODUCT: 6 100-pound bags of pastry flour at Brooklyn, N. Y., in possession of the Friend Cake Baking Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 16, 1952. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

18454. Adulteration of rice. U. S. v. 400 Bags * * *. (F. D. C. No. 32297. Sample Nos. 17131-L, 17132-L.)

LIBEL FILED: December 18, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about April 30, 1951, from Houston, Tex.

PRODUCT: 400 100-pound bags of rice at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and insect excreta. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 31, 1952. The Kwong Dack Wo Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be cleaned under the supervision of the Food and Drug Administration. 37,900 pounds of the product were salvaged by the cleaning process, and 11,000 pounds which were rejected were denatured with fish oil.

18455. Adulteration of rice and lentils. U. S. v. 60 Bags, etc. (F. D. C. No. 32691. Sample Nos. 17139-L to 17141-L, incl.)

LIBEL FILED: February 21, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about September 30, 1950, and October 17 and 26 and November 7, 1951, from Memphis, Tenn., Houston, Tex., and Belmont, Wash.

PRODUCT: 191 100-pound bags of rice and 41 100-pound bags of lentils at Los Angeles, Calif., in possession of Hamilton & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 5, 1952. Hamilton & Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvaging of 16,746 pounds of rice and 3,795½ pounds of lentils.

18456. Adulteration of flavored starch flakes. U. S. v. 27 Cartons * * *. (F. D. C. No. 31984. Sample No. 5689-L.)

LIBEL FILED: November 5, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 25, 1951, by the Nib'l Products Co., from North Olmsted, Ohio.

PRODUCT: 27 cartons, each containing 35 pounds, of flavored starch flakes at Framingham, Mass.

LABEL, IN PART: (Carton) "Garlic," "Tomato," "Onion," "Cheese," or "Fish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 17, 1951. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

18457. Adulteration of butter. U. S. v. 491 Boxes, etc. (61,184 pounds, total).
(F. D. C. No. 32250. Sample Nos. 944-L, 1655-L.)

LIBEL FILED: November 1, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 5 and 20, 1951, by the Sunflower Coop. Creamery Assn., from Everest, Kans.

PRODUCT: 956 64-pound boxes of butter at Charlotte, N. C.

LABEL, IN PART: "Butter * * * Western Dairy Products Inc. Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 26, 1951. The Sunflower Coop. Creamery Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

On December 3, 1951, the judgment was amended to provide that certain boxes of the product which had been found to contain 80 percent or more of milk fat should be released to the claimant at Charlotte, N. C.; and that the boxes of the product which were found to contain less than 80 percent of milk fat should be released to the claimant to be shipped to its plant at Everest, Kans., for reworking under the terms of the judgment originally entered. Pursuant to the terms of the judgment, as amended, 316 of the 782 boxes of the product seized were released to the claimant on the basis of examinations showing that the product in such boxes contained the proper amount of milk fat; and the remaining 466 boxes were returned to the claimant at Everest, Kans., for reworking.

18458. Adulteration and misbranding of butter. U. S. v. 3 Cubes (192 pounds)
* * *. (F. D. C. No. 32159. Sample No. 23938-L.)

LIBEL FILED: December 4, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 3, 1951, by August Food Products, Inc., from Newark, N. J.

PRODUCT: 3 64-pound cubes of butter at New York, N. Y.

LABEL, IN PART: "Highest Hanfords Unsalted Butter" or "Tiger Bulk Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), colored oleomargarine had been substituted in whole or in part for butter.

Misbranding, Section 403 (a), the label designation "Butter" was false and misleading since the product was colored oleomargarine.

DISPOSITION: December 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration, and that the remainder be destroyed.

CHEESE

18459. Adulteration of process cheese. U. S. v. 60 Cases * * *. (F. D. C. No. 32206. Sample No. 37210-L.)

LIBEL FILED: November 30, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about January 30, 1950, from Helsinki, Finland.

PRODUCT: 60 cases, each case containing 72 6-ounce cartons, of process cheese at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1951. Default decree of condemnation and destruction.

18460. Adulteration and misbranding of process cheese. U. S. v. 252 Packages * * *. (F. D. C. No. 32524. Sample No. 16464-L.)

LIBEL FILED: On or about February 19, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 21, 1951, from Green Bay, Wis.

PRODUCT: 252 ½-pound packages of process cheese at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, dehydroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as "Pasteurized Process Swiss Blended With American Cheese," a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the standard since it contained dehydroacetic acid, which is not a permitted ingredient.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce. (The product was sliced and then wrapped with dehydroacetic acid-treated wrappers, and examination disclosed that it contained dehydroacetic acid.)

DISPOSITION: May 8, 1952. Default decree of destruction.

FISH AND SHELLFISH

18461. Adulteration of frozen red snappers. U. S. v. 808 Pounds * * *. (F. D. C. No. 32232. Sample No. 23236-L.)

LIBEL FILED: On or about December 14, 1951. Southern District of New York.

ALLEGED SHIPMENT: On or about November 3, 1951, by J. D. Holmes, from Panama City, Fla.

PRODUCT: 808 pounds of frozen red snappers at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 27, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

18462. Adulteration and misbranding of oysters. U. S. v. 600 Cans * * *.
(F. D. C. No. 32171. Sample Nos. 4385-L, 4386-L.)

LIBEL FILED: November 21, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 15, 1951, by W. E. Riggins & Co., from Crisfield, Md.

PRODUCT: 600 cans of oysters at Charleston, W. Va.

LABEL, IN PART: (465 Cans) "Oysters Selects One Pint Rigco Brand" or (144 Cans) "Oysters Standards One Pint Rigco Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to meet the definition and standard of identity for oysters since they were not thoroughly drained and since they were in contact with water for more than 30 minutes after leaving the shucker.

DISPOSITION: January 2, 1952. Default decree of condemnation and destruction.

18463. Adulteration and misbranding of oysters. U. S. v. 432 Cans * * *.
(F. D. C. No. 32176. Sample No. 4000-L.)

LIBEL FILED: November 23, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1951, by the Crisfield Supply Co., from Crisfield, Md.

PRODUCT: 432 1-pint cans of oysters at Bradford, Pa.

LABEL, IN PART: "Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to meet the definition and standard of identity for oysters since they were not thoroughly drained and since they were in contact with water for more than 30 minutes after leaving the shucker.

DISPOSITION: December 19, 1951. Default decree of condemnation and destruction.

18464. Adulteration and misbranding of oysters. U. S. v. 84 Cans, etc.
(F. D. C. No. 32181. Sample Nos. 4078-L, 4079-L.)

LIBEL FILED: November 26, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about November 17, 1951, by the Metompkin Bay Oyster Co., from Crisfield, Md.

PRODUCT: 84 1-pint cans of oysters standards and 84 1-pint cans of oysters selects at Paducah, Ky.

LABEL, IN PART: "Oysters Standards" and "Oysters Selects."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to meet the definition and standard of identity for oysters since they were not thoroughly drained and since they were in contact with fresh water for more than thirty minutes after leaving the shucker.

DISPOSITION: December 11, 1951. The consignee having consented, an order for the immediate destruction of the oysters was entered by the court since they had spoiled in the warehouse in which they were stored.

18465. Adulteration and misbranding of oysters. U. S. v. 144 Cans * * *.
(F. D. C. No. 32187. Sample No. 4402-L.)

LIBEL FILED: December 3, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about November 19, 1951, by the Crescent Seafood Co., from Baltimore, Md.

PRODUCT: 144 1-pint cans of oysters at Covington, Ky.

LABEL, IN PART: "Oysters Standards Crescent Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards. (Examination disclosed that they were not thoroughly drained. Factory inspection showed that the oysters were in contact with fresh water for more than 30 minutes after leaving the shucker.)

DISPOSITION: December 28, 1951. Default decree of condemnation and destruction.

18466. Adulteration of sea scallops. U. S. v. 70 cartons * * *. (F. D. C. No. 32205. Sample No. 23234-L.)

LIBEL FILED: November 30, 1951, Southern District of New York.

ALLEGED SHIPMENT: At a time prior to November 30, 1951, from a source outside of New York State.

PRODUCT: 70 10-pound cartons of sea scallops at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed scallops. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 18, 1951. Default decree of condemnation and destruction.

18467. Adulteration of frozen shrimp. U. S. v. 30 Cartons * * *. (F. D. C. No. 32189. Sample No. 955-L.)

LIBEL FILED: November 26, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about July 21, 1951, from Chicago, Ill.

PRODUCT: 30 cartons, each containing 10 5-pound boxes, of frozen shrimp at Charlotte, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 22, 1952. Shapiro Fisheries, Inc., Chicago, Ill., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into fish bait, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

CANNED FRUIT

18468. Adulteration of canned oranges. U. S. v. 43 Cases * * *. (F. D. C. No. 32184. Sample No. 23943-L.)

LIBEL FILED: November 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 12, 1946, from Brazil.

PRODUCT: 43 cases, each containing 48 13½-ounce cans, of oranges at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was decomposed. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 17, 1951. Default decree of condemnation and destruction.

18469. Misbranding of canned peaches. U. S. v. 99 Cases * * *. (F. D. C. No. 32195. Sample No. 39828-L.)

LIBEL FILED: November 26, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about October 17, 1951, by Hunt Foods, Inc., from Fullerton, Calif.

PRODUCT: 99 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Waterbury, Conn.

LABEL, IN PART: (Can) "Hunt's Yellow Cling Peach Slices."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned peaches, and its label failed to bear a statement, as required by the regulations, that it fell below the standard

DISPOSITION: February 6, 1952. Hunt's Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

DRIED FRUIT

18470. Adulteration of dried apricots. U. S. v. 73 Cases * * *. (F. D. C. No. 32899. Sample No. 16345-L.)

LIBEL FILED: March 21, 1952, District of Nebraska.

ALLEGED SHIPMENT: On or about January 30, 1952, by Rosenberg Bros. & Co., Inc., from Santa Clara, Calif.

PRODUCT: 73 cases, each containing 24 1-pound packages, of dried apricots at Omaha, Nebr.

LABEL, IN PART: "Iris Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 23, 1952. Default decree of condemnation and destruction.

18471. Adulteration of raisins. U. S. v. 55 Cartons * * *. (F. D. C. No. 32163. Sample No. 873-L.)

LIBEL FILED: November 27, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 24, 1950, from Fresno, Calif.

PRODUCT: 55 30-pound cartons of raisins at Miami, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or part of a filthy substance by reason of the presence of insects and insect excreta. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1951. Default decree of condemnation and destruction.

18472. Adulteration of raisins and chocolate liquor. U. S. v. 9 Cartons, etc. (F. D. C. No. 32225. Sample Nos. 24169-L, 24170-L.)

LIBEL FILED: December 7, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 1, 1950, from Lititz, Pa., and on or about September 4, 1951, from Fresno, Calif.

PRODUCT: 9 30-pound cartons of raisins and 3 bags, containing approximately 230 pounds, of chocolate liquor at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects in the raisins and insect excreta and webbing in the chocolate liquor. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 16, 1952. Default decree of condemnation and destruction.

FRESH FRUIT

18473. Adulteration of fresh blueberries. U. S. v. 28 Cases * * *. (F. D. C. No. 32241. Sample Nos. 8933-L, 8934-L.)

LIBEL FILED: November 7, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 23, 1951, by T. A. Dumetz and W. H. Sumner, from Hartford, Mich.

PRODUCT: 28 cases, each containing 16 1-quart boxes, of blueberries at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. Examination disclosed that the product contained maggots.

DISPOSITION: December 28, 1951. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS*

18474. Adulteration of canned brown beans in chili gravy. U. S. v. 23 Cases * * *. (F. D. C. No. 32255. Sample No. 15150-L.)

LIBEL FILED: November 30, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about October 16, 1951, by the Ellis Canning Co., from Denver, Colo.

PRODUCT: 23 cases, each containing 24 cans, of canned brown beans in chili gravy at Omaha, Nebr.

LABEL, IN PART: (Can) "Ellis Western Style Brown Beans in Tasty Chili Gravy Net Weight 15½ oz. avoirdupois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained added deleterious substances, stones, strings, and other extraneous materials, which may have rendered the article injurious to health.

DISPOSITION: December 26, 1951. Default decree of condemnation and destruction.

18475. Misbranding of canned green beans. U. S. v. 437 Cases * * *. (F. D. C. No. 32188. Sample No. 29467-L.)

LIBEL FILED: December 10, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 22, 1951, by Washington Packers, Inc., from Tacoma, Wash.

*See also No. 18455.

PRODUCT: 437 cases, each case containing 24 1-pound, 3-ounce cans, of green beans at New York, N. Y.

LABEL, IN PART: "Rainier Brand Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for cut green beans since there were present an excessive number of fibrous pods and tough strings.

DISPOSITION: December 22, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18476. Misbranding of canned black-eyed peas. U. S. v. 9 Cases, etc. (F. D. C. No. 31840. Sample No. 28287-L.)

LIBEL FILED: October 11, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about July 10, 1951, by Plains Food, Inc., Plainview, Tex.

PRODUCT: 54 cases, each containing 48 cans, of black-eyed peas at Sacramento, Calif.

LABEL, IN PART: (Can) "Packer's Best Green Black-Eyed Peas Contents 15½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement on the label "Contents 15½ Oz." was false and misleading as applied to the article, the average net weight of which was less than 15½ ounces.

DISPOSITION: March 14, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18477. Adulteration of canned spinach. U. S. v. 159 Cases * * *. (F. D. C. No. 32162. Sample No. 23414-L.)

LIBEL FILED: December 4, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 13, 1951, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 159 cases, each containing 6 6-pound, 2-ounce cans, of spinach at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: December 6, 1951. Default decree of condemnation and destruction.

18478. Adulteration of sweet pickle chips. U. S. v. 19 Cases * * *. (F. D. C. No. 32168. Sample No. 26713-L.)

LIBEL FILED: November 21, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 23, 1951, by Colony Foods, from Vineland, N. J.

PRODUCT: 19 cases, each containing 6 1-gallon cans, of sweet pickle chips at Philadelphia, Pa.

LABEL, IN PART: "Colony Brand Sweet Pickle Chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, maggots, and fly eggs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 20, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18479. Adulteration of canned tomatoes. U. S. v. 497 Cases * * *. (F. D. C. No. 32165. Sample No. 26970-L.)

LIBEL FILED: November 20, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 28, 1951, by the Harcourt Greene Co. from San Francisco, Calif.

PRODUCTS: 497 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Brooklyn, N. Y. Examination showed that the product was undergoing decomposition.

LABEL, IN PART: (Can) "Cobo Brand * * * Italian Style Peeled Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 19, 1952. Madonna Foods, Inc., Riverbank, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of 36½ cases of the product as unfit.

18480. Adulteration of canned tomatoes. U. S. v. 197 Cases * * *. (F. D. C. No. 32270. Sample No. 20898-L.)

LIBEL FILED: December 17, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 25, 1951, from Exeter, Mo., by the Rush Canning Co.

PRODUCT: 197 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Many, La.

LABEL, IN PART: (Can) "Satisfaction Brand * * * Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 29, 1952. Default decree of condemnation and destruction.

18481. Adulteration of canned tomatoes. U. S. v. 150 Cases * * *. (F. D. C. No. 32230. Sample No. 5757-L.)

LIBEL FILED: December 11, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 11, 1951, by National Retail Owned Grocers Coop., Inc., from Pocomoke, Md.

PRODUCT: 150 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Springfield, Mass.

LABEL, IN PART: (Can) "Elmdale Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: March 10, 1952. Default decree of condemnation and destruction.

18482. Misbranding of canned tomatoes. U. S. v. 1,128 Cases * * *. (F. D. C. No. 32164. Sample No. 31134-L.)

LIBEL FILED: November 26, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about September 17, 1951, by Hargis Canneries, Inc., from Fayetteville, Ark.

PRODUCT: 1,128 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Memphis, Tenn.

LABEL, IN PART: "Hargis Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight was less than 50% of the weight of water required to fill the container, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: March 4, 1952. The Watson Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

18483. Adulteration of tomato paste. U. S. v. 1,470 Cases * * *. (F. D. C. No. 32500. Sample No. 3225-L.)

LIBEL FILED: February 8, 1952, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about May 10, 1951, by the Anglo-American & Overseas Corp., from Hoboken, N. J.

PRODUCT: 1,470 cases, each containing 10 cans, of tomato paste at Richmond, Va.

LABEL, IN PART: (Can) "Hungarian Tomato Paste Gschwindt" or "Tomato Paste Made in Hungary * * * Golden Pheasant."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 4, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, with the provision that the intact cans of the product be used for animal feed and that the ruptured or otherwise unfit cans be destroyed.

18484. Adulteration of tomato paste. U. S. v. 749 Cases * * *. (F. D. C. No. 32465. Sample No. 3224-L.)

LIBEL FILED: January 28, 1952, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about May 15, 1951, by the Catz American Co., from New York, N. Y.

PRODUCT: 749 cases, each containing 50 30-ounce cans, of tomato paste at Richmond, Va.

LABEL, IN PART: (Can) "Gschwindt Extrait de tomates * * * Hungarian Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

DISPOSITION: April 4, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, with the provision that the intact cans of the product be used for animal feed and that the ruptured or otherwise unfit cans be destroyed.

18485. Adulteration of tomato puree. U. S. v. 99 Cases * * *. (F. D. C. No. 32167. Sample No. 5723-L.)

LIBEL FILED: November 19, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 23, 1951, by Morris April Bros., from Tuckahoe, N. J.

PRODUCT: 99 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Lawrence, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 11, 1952. Default decree of condemnation and destruction.

NUTS

18486. Adulteration of cashew nuts. U. S. v. 8 Cases * * *. (F. D. C. No. 31909. Sample No. 30266-L.)

LIBEL FILED: October 24, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about August 25, 1951, by the Biddle Purchasing Co., from New York, N. Y.

PRODUCT: 8 cases, each containing 2 25-pound tins, of cashew nuts at Seattle, Wash.

LABEL, IN PART: "Kashew Kernels Product of India."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: March 24, 1952. Default decree of condemnation and destruction.

18487. Adulteration of unshelled pecans. U. S. v. 8 Cases * * *. (F. D. C. No. 32045. Sample No. 30057-L.)

LIBEL FILED: October 29, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about November 4, 1950, from Albany, Ga.

PRODUCT: 8 cases, each containing 25 1-pound packages, of unshelled pecans at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 7, 1952. Default decree of condemnation and destruction.

POULTRY

18488. Adulteration of dressed poultry. U. S. v. 29 Crates * * *. (F. D. C. No. 32194. Sample No. 38301-L.)

LIBEL FILED: December 7, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 9, 1951, by the Delmarva Poultry Corp., from Frankford, Del.

PRODUCT: 29 72-pound crates of dressed poultry at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: January 4, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

18489. Adulteration of dressed poultry. U. S. v. 8 Crates * * *. (F. D. C. No. 32239. Sample No. 38315-L.)

LIBEL FILED: December 28, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about December 3, 1951, by the Maplewood Packing Co., from Belfast, Maine.

PRODUCT: 8 crates, each crate containing approximately 65 pounds, of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: January 4, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

18490. Adulteration of frozen dressed poultry. U. S. v. 1,260 Pounds * * *. (F. D. C. No. 32160. Sample No. 35476-L.)

LIBEL FILED: November 21, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 5, 1951, by the J. Manaster Co., from Grand Forks, N. Dak.

PRODUCT: 1,260 pounds of frozen dressed poultry at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of bruised and discolored birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: January 15, 1952. Default decree of condemnation and destruction.

18491. Adulteration of dressed turkeys. U. S. v. 60 Barrels * * *. (F. D. C. No. 32190. Sample No. 38311-L.)

LIBEL FILED: November 27, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 19 and 20, 1951, by the Lake Shore Turkey Farm, from Swanton, Vt.

PRODUCT: 60 180-pound barrels of dressed turkeys at New York, N. Y.

LABEL, IN PART: "Lake Shore Turkey Farm Genuine Vermont."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), oats had been substituted in part for turkeys; and, Section 402 (b) (4), oats had been added to the turkeys so as to increase their weight. Examination disclosed that the crops of the turkeys had been stuffed with from $\frac{1}{3}$ to $1\frac{1}{4}$ pounds of dry oats.

DISPOSITION: December 17, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the removal of the crops and evisceration, under the supervision of the Food and Drug Administration.

18492. Adulteration of dressed turkeys. U. S. v. 25 Crates * * *. (F. D. C. No. 32217. Sample No. 38305-L.)

LIBEL FILED: December 6, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 9, 12, 13, and 14, 1951, by the C & P Poultry Co., from Brandywine, W. Va.

PRODUCT: 25 65-pound crates of dressed turkeys at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: February 20, 1952. The C & P Poultry Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and destruction of the unfit portion, under the supervision of the Food and

Drug Administration. Of the 93 birds that were seized, 86 were released to the claimant; 14 of these were brought into compliance with the law by trimming off the objectionable portions.

18493. Adulteration of dressed turkeys. U. S. v. 14 Crates * * *. (F. D. C. No. 32204. Sample No. 38308-L.)

LIBEL FILED: November 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 18, 1951, by H. L. Custer, from Hinton, Va.

PRODUCT: 14 61-pound crates of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: December 18, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

18494. Adulteration of dressed turkeys. U. S. v. 5 Crates * * *. (F. D. C. No. 32209. Sample No. 38307-L.)

LIBEL FILED: December 4, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 16, 1951, by the Acme Poultry Corp., from Berlin, Md.

PRODUCT: 5 70-pound crates of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: December 18, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

18495. Adulteration of dressed turkeys. U. S. v. 682 Pounds * * *. (F. D. C. No. 32192. Sample No. 32952-L.)

LIBEL FILED: November 30, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 15, 1951, by the Tillman Produce Co., from Wilton, Wis.

PRODUCT: 682 pounds of dressed turkeys at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: February 7, 1952. Default decree of condemnation and destruction.

18496. Adulteration of dressed turkeys. U. S. v. 132 Pounds * * *. (F. D. C. No. 32186. Sample No. 38303-L.)

LIBEL FILED: November 27, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 10, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 132 pounds of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: December 19, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

18497. Adulteration of turmeric. U. S. v. 64 Bags * * *. (F. D. C. No. 32223. Sample No. 23947-L.)

LIBEL FILED: December 6, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 19, 1951, from Bombay, India.

PRODUCT: 64 175-pound bags of turmeric at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 17, 1951. Charles T. Wilson Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by fumigating, sifting, and blowing, under the supervision of the Food and Drug Administration.

18498. Adulteration of poppy seed. U. S. v. 16 Bags * * *. (F. D. C. No. 32161. Sample Nos. 27097-L, 27100-L.)

LIBEL FILED: November 23, 1951, Northern District of California.

ALLEGED SHIPMENT: Prior to January 25, 1951, from Czechoslovakia.

PRODUCT: 16 bags, each containing 88 pounds, of poppy seed at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1951. Adolph Schoenfeld having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 1,348 pounds of the product were recleaned and salvaged, and the remainder was denatured. (4,488 pounds of the product actually were seized.)

18499. Adulteration of chili peppers. U. S. v. 116 Bags * * *. (F. D. C. No. 32234. Sample No. 37231-L.)

LIBEL FILED: December 13, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 17, 1951, from Turkey.

PRODUCT: 116 150-pound bags of chili peppers at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect and rodent excreta. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 2, 1952. The Sagen Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by fumigating, cutting, and sifting, so as to eliminate and destroy the objectionable portion. 16,344 pounds of the product were salvaged, and the remainder was denatured.

18500. Adulteration and misbranding of french dressing. U. S. v. 4 Cases * * *. (F. D. C. No. 32236. Sample No. 22994-L.)

LIBEL FILED: On or about December 18, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about November 5, 1951, by Merit Food Co., Inc., from Hackensack, N. J.

PRODUCT: 4 cases, each containing 24 1-pint bottles, of french dressing at New York, N. Y.

LABEL, IN PART: (Bottle) "Merit French Dressing A Salad De-Lite 1 Pt."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted; and Section 402 (b) (4), artificial coloring had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for french dressing. (Examination disclosed that the product contained less than 35% by weight of vegetable oil and contained artificial coloring in violation of the standard.)

DISPOSITION: January 14, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18451-18500

PRODUCTS

	N. J. No.		N. J. No.
Apricots, dried	18470	Blueberries, fresh	18473
Bakery product	18451	Butter	18457, 18458
Beans, brown, in chili gravy,		Cake, fruit	18451
canned	18474	Cashew nuts	18486
green, canned	18475	Cereals and cereal products	18451-
Black-eyed peas, canned	18476		18456

	N. J. No.		N. J. No.
Cheese, process	18459, 18460	Peas, black-eyed, canned	18476
Chili peppers	18499	Pecans, unshelled	18487
Chocolate liquor	18472	Peppers, chili	18499
Dairy products	18457-18460	Pickle chips, sweet	18478
Fish and shellfish	18461-18467	Poppy seed	18498
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Poultry, dressed	18488-18496
Flour	18452, 18453	Process cheese	18459, 18460
French dressing	18500	Raisins	18471, 18472
Fruits and vegetables	18455, 18468-18485	Rice	18454, 18455
fruit, canned	18468, 18469	Scallops, sea	18466
dried	18470-18472	Shellfish. <i>See</i> Fish and shellfish.	
fresh	18473	Shrimp, frozen	18467
tomatoes and tomato prod- ucts	18479-18485	Snappers, red, frozen	18461
vegetables and vegetable prod- ucts	18455, 18474-18478	Spices, flavors, and seasoning materials	18497-18500
Lentils	18455	Spinach, canned	18477
Nuts	18486, 18487	Starch flakes, flavored	18456
Oranges, canned	18468	Tomato(es), canned	18479-18482
Oysters	18462-18465	paste	18483, 18484
Pastry flour	18453	puree	18485
Peaches, canned	18469	Turmeric	18497
		Vegetables. <i>See</i> Fruits and vege- tables.	

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Acme Poultry Corp.:		Custer, H. L.:	
dressed turkeys	18494	dressed turkeys	18493
Anglo-American & Overseas Corp.:		Delmarva Poultry Corp.:	
tomato paste	18483	dressed poultry	18488
August Food Products, Inc.:		Dumetz, T. A.:	
butter	18458	blueberries	18473
Biddle Purchasing Co.:		Ellis Canning Co.:	
cashew nuts	18486	canned brown beans in chili gravy	18474
Blue Baking Co.:		Flotill Products, Inc.:	
fruit cake	18451	canned spinach	18477
C & P Poultry Co.:		Friend Cake Baking Co.:	
dressed turkeys	18492	pastry flour	18452
Catz American Co.:		Hamilton & Co.:	
tomato paste	18484	rice and lentils	18455
Colony Foods:		Harcourt Greene Co.:	
sweet pickle chips	18478	canned tomatoes	18479
Crescent Seafood Co.:		Hargis Canneries, Inc.:	
oysters	18465	canned tomatoes	18482
Crisfield Supply Co.:			
oysters	18463		

	N. J. No.		N. J. No.
Holmes, J. D.:		Orleans Poultry Co.:	
frozen red snappers-----	18461	dressed turkeys-----	18496
Hunt Foods, Inc.:		Plains Food, Inc.:	
canned peaches-----	18469	canned black-eyed peas-----	18476
Lake Shore Turkey Farm:		Riggin, W. E., & Co.:	
dressed turkeys-----	18491	oysters-----	18462
Manaster, J., Co.:		Rosenberg Bros. & Co., Inc.:	
frozen dressed poultry-----	18490	dried apricots-----	18470
Maplewood Packing Co.:		Rush Canning Co.:	
dressed poultry-----	18489	canned tomatoes-----	18480
Merit Food Co., Inc.:		Sumner, W. H.:	
french dressing-----	18500	blueberries-----	18473
Metompkin Bay Oyster Co.:		Sunflower Coop. Creamery Assn.:	
oysters-----	18464	butter-----	18457
Morris April Bros.:		Tillman Produce Co.:	
tomato puree-----	18485	dressed turkeys-----	18495
Morris Erde, Inc.:		Washington Packers, Inc.:	
flour-----	18452	canned green beans-----	18475
National Retail Owned Grocers		Western Dairy Products, Inc.:	
Coop., Inc.:		butter-----	18457
canned tomatoes-----	18481		
Nib'l Products Co.:			
flavored starch flakes-----	18456		



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

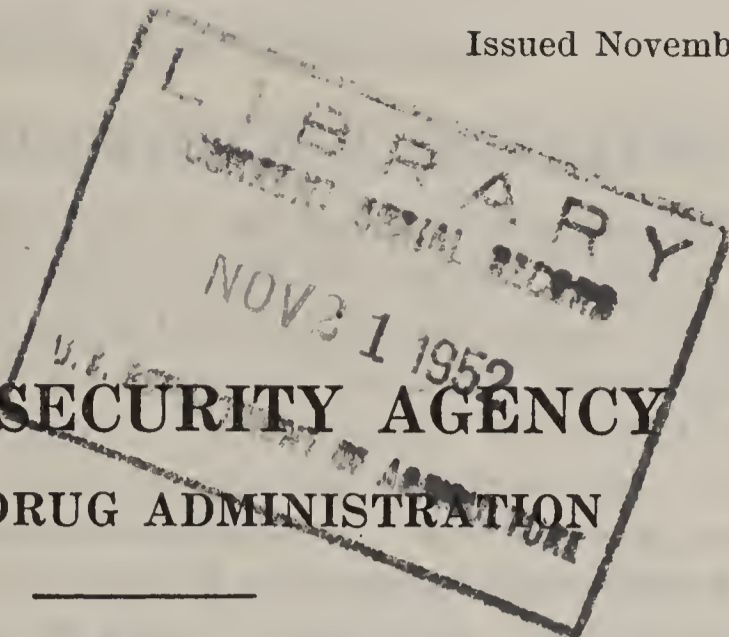
<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED
ON REQUEST TO THE FEDERAL REGISTER, NATIONAL
ARCHIVES, WASHINGTON 25, D. C.

*Order from the Superintendent of Documents, United
States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month ● \$15 per year

732 Nf



FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18501-18550

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *October 20, 1952.*

CONTENTS

	Page		Page
Beverages and beverage materials	218	Fish and shellfish	224
Candy and sirup	219	Fruits and vegetables	225
Candy	219	Canned fruit	225
Sirup	219	Vegetables and vegetable prod-	
Cereals and cereal products	220	ucts	226
Bakery product	220	Tomatoes and tomato products	228
Flour	220	Nuts	230
Macaroni and noodle products	221	Poultry	231
Miscellaneous cereal	222	Spices, flavors, and seasoning ma-	
Dairy products	223	terials	234
Butter	223	Index	235
Cheese	224		

BEVERAGES AND BEVERAGE MATERIALS*

18501. Adulteration of beer and ale. U. S. v. 3,862 Cases * * *. (F. D. C. No. 31613. Sample Nos. 12038-L, 12039-L.)

LIBEL FILED: August 10, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: Between February 5 and June 29, 1951, from Evansville, Ind., and Peoria, Ill.

PRODUCT: 3,862 cases of beer and ale at Covington, Ky.

RESULTS OF INVESTIGATION: Investigation showed that the articles were salvaged from a fire-damaged warehouse in Henderson, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of a decomposed substance and were otherwise unfit for food by reason of fire damage. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 24, 1951. Jack Schwartz, Covington, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation of the good portion from the unfit portion, under the supervision of the Federal Security Agency. On February 25, 1952, the claimant having abandoned his efforts to salvage the products, an order was entered that the products be destroyed.

18502. Adulteration of green coffee. U. S. v. 44 Bags * * *. (F. D. C. No. 32265. Sample No. 17981-L.)

LIBEL FILED: December 6, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about November 7, 1951, from Guatemala.

PRODUCT: 44 152-pound bags of green coffee at San Pedro, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: January 7, 1952. Otis, McAllister & Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was examined for the purpose of segregating the good portion from the bad. As a result of the examination, a total of 3,643 pounds of the product was found unfit and was destroyed.

18503. Adulteration of green coffee. U. S. v. 23 Bags * * *. (F. D. C. No. 32266. Sample No. 17985-L.)

LIBEL FILED: December 6, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about November 6, 1951, from the country of Colombia.

PRODUCT: 23 150-pound bags of green coffee at San Pedro, Calif.

LABEL, IN PART: "Jemalopez Manizales Excelso Product of Colombia."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of mold.

*See also Nos. 18532, 18533.

DISPOSITION: December 20, 1951. Ortega and Emigh, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. In accordance with the decree, action was taken to remove the unfit portion of the product. A total of 326 pounds of the product was removed as unfit and was destroyed.

CANDY AND SIRUP

CANDY

18504. Adulteration of candy. U. S. v. 20 Boxes, etc. (F. D. C. No. 31858. Sample Nos. 29511-L, 29512-L.)

LIBEL FILED: October 5, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about September 7, 1951, by the LePelley's West Coast Candy Co., from Los Angeles, Calif.

PRODUCT: 54 boxes, each containing 160 pieces, of candy at Seattle, Wash.

LABEL, IN PART: "LePelleys Best Yet Candies 1 Cent American Beauty [or "Clear"] Net Count 160."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24, 1952. Default decree of condemnation and destruction.

18505. Adulteration of candy. U. S. v. 16 Boxes, etc. (F. D. C. No. 31908. Sample Nos. 30420-L, 30423-L, incl.)

LIBEL FILED: November 7, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about September 21, 1951, by the LePelley's West Coast Candy Co., from Los Angeles, Calif.

PRODUCT: 52 boxes of candy at Portland, Oreg.

LABEL, IN PART: "Tu-Fer Kandy Apples" or "Assorted Fruit Logs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 12, 1952. Default decree of forfeiture and destruction.

SIRUP

18506. Adulteration and misbranding of sorghum sirup. U. S. v. 13 Cans
* * *. (F. D. C. No. 32322. Sample No. 33967-L.)

LIBEL FILED: December 21, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about November 28, 1951, by C. L. Crum, from Shannon, Miss.

PRODUCT: 13 9½-pound cans of sorghum sirup at Paducah, Ky.

LABEL, IN PART: "Sorghum Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of glucose and sucrose had been substituted for sorghum sirup.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: February 29, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

18507. Adulteration and misbranding of sorghum sirup. U. S. v. 181 Pails * * *. (F. D. C. No. 32321. Sample No. 34392-L.)

LIBEL FILED: December 21, 1951, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about November 20, 1951, by C. L. Crum, from Shannon, Miss.

PRODUCT: 181 9½-pound pails of sorghum sirup at Carbondale, Ill. Examination showed that the product was a mixture of glucose and sucrose sirup.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of glucose and sucrose sirup had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: May 1, 1952. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as animal feed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCT

18508. Adulteration of bread. U. S. v. the Iowa Baking Co., a partnership, and Isadore L. Shindler. Pleas of guilty. Partnership fined \$250 and costs; individual defendant fined \$25. (F. D. C. No. 31575. Sample No. 18926-L.)

INFORMATION FILED: On or about January 31, 1952, Northern District of Iowa, against the Iowa Baking Co., Sioux City, Iowa, and Isadore L. Shindler, assistant manager.

ALLEGED SHIPMENT: On or about June 6, 1951, from the State of Iowa into the State of Nebraska.

LABEL, IN PART: "Splendid Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae heads, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 25, 1952. Pleas of guilty having been entered, the partnership was fined \$250 and costs and the individual defendant was fined \$25.

FLOUR

18509. Adulteration of flour. U. S. v. 190 Bags * * *. (F. D. C. No. 32931. Sample No. 35469-L.)

LIBEL FILED: April 1, 1952, Southern District of Iowa.

ALLEGED SHIPMENT: On or about November 20, 1951, from New Prague, Minn.

PRODUCT: 190 50-pound bags of flour at Creston, Iowa, in possession of the L. O. Boggs Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 8, 1952. The L. O. Boggs Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. As a result of the reconditioning operations, 3,645 pounds of the product were found unfit and were denatured to be used as animal feed.

18510. Adulteration and misbranding of enriched flour. U. S. v. 50 Bales
* * *. (F. D. C. No. 32363. Sample No. 11912-L.)

LIBEL FILED: January 11, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 4, 1951, by the Blair Milling Co., from Atchison, Kans.

PRODUCT: 50 bales of flour at Xenia, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, riboflavin, and niacin, had been in part omitted.

Misbranding, Section 403 (a), the label statements "8 Ozs. of Enriched Flour Contain Not Less Than the Following Proportions of the Minimum Daily Requirements of Vitamin B₁ 100 Percent, Riboflavin 30 Percent * * * 8 Mgs. of Niacin" were false and misleading since the product contained less than the stated amounts of vitamin B₁, riboflavin, and niacin.

DISPOSITION: February 21, 1952. The Blair Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the label designation by incorporating additional enrichment ingredients, under the supervision of the Federal Security Agency.

MACARONI AND NOODLE PRODUCTS

18511. Adulteration of macaroni. U. S. v. 11 Cartons * * *. (F. D. C. No. 32212. Sample No. 5799-L.)

LIBEL FILED: December 4, 1951, District of New Hampshire.

ALLEGED SHIPMENT: On or about October 11, 1951, by Semaco Macaroni Co., Inc., from Georgiaville, R. I.

PRODUCT: 11 45-pound cartons of macaroni at Manchester, N. H.

LABEL, IN PART: "The Gold Medal Winner Semaco No 1 Macaroni Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: January 7, 1952. Default decree of condemnation and destruction.

18512. Adulteration and misbranding of enriched spaghetti. U. S. v. 399 Cases
* * *. (F. D. C. No. 31619. Sample No. 23407-L.)

LIBEL FILED: August 14, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 20, 1951, by the Prince Macaroni Co., from Lowell, Mass.

PRODUCT: 399 cases, each containing 20 1-pound packages, of spaghetti at Maspeth, N. Y.

LABEL, IN PART: "Prince Spaghetтини * * * Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine and riboflavin, had been in part omitted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched macaroni products since it contained in each pound less than 4 milligrams of thiamine and less than 1.7 milligrams of riboflavin.

DISPOSITION: April 30, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed, under the supervision of the Food and Drug Administration. The product was reground and reused in the subsequent manufacture of spaghetti.

MISCELLANEOUS CEREAL

18513. Adulteration of rice. U. S. v. 32 Bales * * * (and one other seizure action). (F. D. C. Nos. 31943, 31944. Sample Nos. 1057-L, 1058-L.)

LIBELS FILED: November 8, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 13 and 17, 1951, by United Rice Milling Products Co., Inc., from New Orleans, La.

PRODUCT: 32 bales, each containing 20 3-pound packages, and 6 bales, each containing 30 2-pound packages, of rice at Jacksonville, Fla.

LABEL, IN PART: (Package) "Sultana Fancy Short Grain Rice" or "S S Shafer Select Long Grain Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: December 3 and 12, 1951. Default decrees of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

18514. Adulteration of rice. U. S. v. 97 Cases * * *. (F. D. C. No. 31868. Sample No. 12250-L.)

LIBEL FILED: October 3, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 19, 1951, by the Comet Rice Mills, from Beaumont, Tex.

PRODUCT: 97 cases, each containing 18 2-pound cartons, of rice at Cincinnati, Ohio.

LABEL, IN PART: "Comet Longrain Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 8, 1952, Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

DAIRY PRODUCTS

BUTTER

18515. Adulteration of butter. U. S. v. Lakeshore Creamery. Plea of guilty.
Fine of \$1,000. (F. D. C. No. 31589. Sample No. 33076-L.)

INFORMATION FILED: April 16, 1952, Western District of Michigan, against Lakeshore Creamery, Holland, Mich.

ALLEGED SHIPMENT: On or about October 11, 1951, from the State of Michigan into the State of Indiana.

LABEL, IN PART: "Lakeshore Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 29, 1952. A plea of guilty having been entered, the defendant was fined \$1,000.

18516. Adulteration and misbranding of butter. U. S. v. Merchants Creamery Co., Inc., and Edwin A. Bischoff. Pleas of guilty. Each defendant fined \$3,750. (F. D. C. No. 31580. Sample Nos. 571-L, 573-L, 11706-L, 11707-L.)

INDICTMENT RETURNED: March 5, 1952, Southern District of Ohio, against Merchants Creamery Co., Inc., Cincinnati, Ohio, and Edwin A. Bischoff, president.

ALLEGED SHIPMENT: On or about September 4, 5, and 6, 1951, from the State of Ohio, into the States of Indiana and Kentucky.

LABEL, IN PART: "Kingan's Creamery Butter [or "Forest Brook Brand Creamery Butter"] Packed for Kingan & Co. * * * Indianapolis, Ind.," "Rose Brand Creamery Butter," or "Rose Brand Butter * * * 8 Oz. Net Weight."

NATURE OF CHARGE: 2 lots. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, fly fragments, feather barbules, and rodent hairs, and it was manufactured from filthy cream; Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

1 lot. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the wrappers bore the statement "8 Oz. Net Weight" and the packages contained less than 8 ounces of butter.

DISPOSITION: March 31, 1952. Pleas of guilty having been entered, each defendant was fined \$3,750.

CHEESE

18517. Adulteration of cheese. U. S. v. Ponte Cheese Co., a partnership, and Luca E. Pontecorvo, a partner. Pleas of guilty. Partnership fined \$200 and individual defendant \$50, plus costs. (F. D. C. No. 31574. Sample Nos. 9599-L, 9600-L.)

INFORMATION FILED: February 4, 1952, Northern District of Indiana, against the Ponte Cheese Co., and Luca E. Pontecorvo, a partner.

ALLEGED SHIPMENT: On or about October 12, 1951, from the State of Indiana into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 18, 1952. Pleas of guilty having been entered, the partnership was fined \$200 and the individual defendant was fined \$50, plus costs.

FISH AND SHELLFISH

18518. Adulteration of frozen H. & G. whiting. U. S. v. 192 Cartons * * *. (F. D. C. No. 31851. Sample No. 10009-L.)

LIBEL FILED: September 28, 1951, Western District of Michigan; amended October 6, 1951.

ALLEGED SHIPMENT: On or about September 8, 1951, by Griffin's Associated Fisheries, from Provincetown, Mass.

PRODUCT: 192 cartons, each containing 10 pounds, of frozen H. & G. whiting at Menominee, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 8, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as fertilizer.

18519. Adulteration and misbranding of oysters. U. S. v. 42 Cans, etc. (and 4 other seizure actions). (F. D. C. Nos. 31989, 31991 to 31994, incl. Sample Nos. 4188-L to 4190-L, incl., 4192-L, 4193-L, 4198-L to 4201-L, incl.)

LIBELS FILED: November 6 and 7, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 30 and 31, 1951, by J. S. Darling & Son, from Hampton, Va.

PRODUCT: 252 pint cans of oysters selects and 720 pint cans of oysters standards, in various lots, at Springfield, Newark, Zanesville, and Columbus, Ohio.

LABEL, IN PART: (Cans) "Oysters Standards [or "Selects"] Darling's Chesapeake Bay Salt Water Oysters Contents 1 Pint."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects since in their preparation, the total time of contact with water or salt water after leaving the shucker was more than 30 minutes, the maximum time

provided by the regulations. Portions of the oysters failed also to conform to the definitions and standards of identity in that the oysters standards were of such size that 1 gallon contained more than 500 oysters, and a quart of the smallest oysters selected therefrom contained more than 138 oysters; and the oysters selects were of such size that 1 gallon contained more than 300 oysters, and a quart of the smallest oysters selected therefrom contained more than 83 oysters. Portions of the oysters failed also to conform to the definitions and standards in that the oysters had not been thoroughly drained as required by the regulations.

Further misbranding, Section 403 (e) (2), portions of the oysters failed to bear labels containing an accurate statement of the quantity of the contents since the cans contained less than 1 pint, the amount declared.

DISPOSITION: November 20 and 23, 1951. Default decrees of condemnation and destruction.

18520. Misbranding of oysters. U. S. v. 689 Cans * * *. (F. D. C. No. 31990. Sample No. 3346-L.)

LIBEL FILED: November 9, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 29, 1951, by J. H. Miles & Co., Inc., from Norfolk, Va.

PRODUCT: 689 pint cans of oysters at Huntington, W. Va.

LABEL, IN PART: (Cans) "Oysters Standards Miles Famous Oysters 1 Pint."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since in the preparation of the oysters, the total time of contact with water or salt water after leaving the shucker was more than 30 minutes, the maximum time provided by the regulations establishing a definition and standard of identity for oysters; and, Section 403 (e) (2), the oysters failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared 1 pint.

DISPOSITION: January 28, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18521. Misbranding of canned cherries. U. S. v. 795 Cases * * *. (F. D. C. No. 32599. Sample Nos. 13004-L, 13928-L.)

LIBEL FILED: January 23, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about January 2, 1952, by the Stevens Canning Co., from Ogden, Utah.

PRODUCT: 795 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Denver, Colo.

LABEL, IN PART: "Silver Band Pitted Red Sour Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for pitted canned cherries since it contained an excessive number of pits and the label failed to bear the statement that the product fell below the standard.

DISPOSITION: March 6, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

18522. Misbranding of canned peaches. U. S. v. 216 Cases * * *. (F. D. C. No. 32511. Sample No. 2848-L.)

LIBEL FILED: February 12, 1952, Western District of Virginia.

ALLEGED SHIPMENT: On or about August 31 and September 13, 1951, by J. A. Jones, from Easley, S. C.

PRODUCT: 216 cases, each containing 24 cans, of peaches at Lynchburg, Va.

LABEL, IN PART: "Powhatan Brand Yellow Freestone Peaches Halves In Heavy Syrup Contents 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the cans contained an excessive number of crushed or broken pieces and excessive peel, and the peaches were not of uniform size; and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 12, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

VEGETABLES AND VEGETABLE PRODUCTS

18523. Adulteration of fava beans. U. S. v. 24 Bags * * * (and one other seizure action). (F. D. C. Nos. 31788, 31789. Sample Nos. 25610-L, 26371-L.)

LIBELS FILED: October 16, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 10, 1951, by the Thos. Pipitone Co., from New York, N. Y.

PRODUCT: 34 50-pound bags of fava beans at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: April 2 and 22, 1952. Default decrees of condemnation and destruction.

18524. Adulteration of canned corn. U. S. v. 101 Cases * * *. (F. D. C. No. 31816. Sample No. 32029-L.)

LIBEL FILED: September 15, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 17, 1951, by the Griffin Grocery Co., from Muskogee, Okla.

PRODUCT: 101 cases, each containing 24 1-pound cans, of corn at Joplin, Mo.

LABEL, IN PART: (Can) "Griffin's * * * Whole Grain Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 3, 1952. The Griffin Grocery Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to the claimant, conditioned that the product be brought into compliance with the law, under the supervision of the Food and Drug Administration.

The abnormal cans, amounting to 2 cases, were destroyed, and the remaining 127 cases (129 cases of corn were actually seized) were released.

18525. Adulteration of dried black-eyed peas. U. S. v. 26 Bags, etc. (F. D. C. No. 32153. Sample No. 37546-L.)

LIBEL FILED: November 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 20, 1951, from Enid, Okla.

PRODUCT: 216 100-pound bags of dried black-eyed peas at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1952. The Johnston Seed Co., Enid, Okla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as fertilizer, under the supervision of the Food and Drug Administration.

18526. Misbranding of canned sweetpotatoes. U. S. v. 62 Cases * * *. (F. D. C. No. 32601. Sample No. 7237-L.)

LIBEL FILED: January 17, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 20, 1951, by John N. Wright, Jr., from Federalsburg, Md.

PRODUCT: 62 cases, each containing 24 1-pound, 2-ounce cans, of sweetpotatoes at Windber, Pa.

LABEL, IN PART: "Wright's Vacuum Pack Whole Sweet Potatoes."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Whole," together with a vignette depicting a plate of whole sweetpotatoes, was false and misleading since the product resembled mashed sweet potatoes; and, Section 403 (d), the container was so filled as to be misleading. (The product occupied approximately two-thirds of the can.)

DISPOSITION: March 12, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18527. Adulteration of pickles. U. S. v. 1,097 Cases, etc. (F. D. C. No. 31987. Sample Nos. 25658-L, 25659-L.)

LIBEL FILED: December 17, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 13, 1951, by the Garden City Pickle Co., from Ripon, Wis.

PRODUCT: 1,097 cases, each containing 12 32-ounce jars, and 398 cases, each containing 24 16-ounce jars, of pickles at Philadelphia, Pa.

LABEL, IN PART: (Jar) "The Original Harvest Brand Ma Goldsmith's Own Recipe Kosher Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pickles.

DISPOSITION: February 7, 1952. The Garden City Pickle Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and

destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 158 cases, each containing 12 32-ounce jars, and 24 cases, each containing 24 16-ounce jars, were segregated as unfit and were destroyed.

TOMATOES AND TOMATO PRODUCTS

18528. Adulteration of canned tomatoes. U. S. v. 343 Cases * * *. (F. D. C. No. 31870. Sample No. 29267-L.)

LIBEL FILED: October 9, 1951, District of Idaho.

ALLEGED SHIPMENT: On or about September 11, 1951, from Clearfield, Utah.

PRODUCT: 343 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Boise, Idaho.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was undergoing progressive decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 10, 1951. Smith Foods, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration. 242 cases and 13 cans were salvaged, and 21 cases and 8 cans were destroyed. (265 cases were seized.)

18529. Adulteration of canned tomatoes. U. S. v. 304 Cases * * *. (F. D. C. No. 32539. Sample No. 26106-L.)

LIBEL FILED: February 21, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 10, 1951, by Pappas Bros. & Gillies Co., from Egg Harbor, N. J.

PRODUCT: 304 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: "Jersey Pack Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: April 2, 1952. Default decree of condemnation and destruction.

18530. Misbranding of canned tomatoes. U. S. v. 400 Cases * * *. (F. D. C. No. 32898. Sample No. 8362-L.)

LIBEL FILED: March 21, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about September 26, 1951, by Albert W. Sisk & Son, from Preston, Md.

PRODUCT: 400 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Utica, N. Y.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and its label failed to bear a statement that it was substandard in quality.

DISPOSITION: May 3, 1952. The Caroline Canning Co., Federalsburg, Md., having admitted the allegations of the libel, judgment of condemnation was

entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18531. Adulteration of tomato catsup. U. S. v. 1,075 Cases * * *. (F. D. C. No. 32319. Sample No. 7003-L.)

LIBEL FILED: December 21, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 24, 1951, by Sweetser Packing Co., Inc., from Sweetser, Ind.

PRODUCT: 1,075 cases, each containing 24 14-ounce bottles, of tomato catsup at McKeesport, Pa.

LABEL, IN PART: "Pomco Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 14, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

18532. Adulteration of tomato juice. U. S. v. 484 Cases * * * (and one other seizure action). (F. D. C. Nos. 30992, 31432. Sample Nos. 29600-L, 30171-L.)

LIBELS FILED: June 14 and July 16, 1951, District of Montana.

ALLEGED SHIPMENT: On or about March 29, 1951, by the Naas Corp. of Indiana, from Geneva and Portland, Ind.

PRODUCT: Tomato juice. 484 cases at Havre, Mont., and 499 cases at Great Falls, Mont. Each case contained 48 5 $\frac{3}{4}$ -ounce cans of tomato juice.

LABEL, IN PART: "Pep To Brand Pure Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 30, 1952. Default decrees of condemnation. The court ordered that the product be denatured and delivered to an institution for use as animal feed.

18533. Adulteration of tomato juice. U. S. v. 408 Cases * * *. (F. D. C. No. 32296. Sample No. 2824-L.)

LIBEL FILED: On or about January 7, 1952, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 10, 1951, by Leon C. Bulow, from Federalsburg, Md.

PRODUCT: 408 cases, each case containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Lynchburg, Va.

LABEL, IN PART: "Bulow Fancy Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 31, 1952. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the court ordered

that the product be delivered to a charitable institution, for use as animal feed.

18534. Adulteration of tomato paste. U. S. v. 876 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32447, 32464. Sample Nos. 1679-L, 1680-L, 3223-L.)

LIBELS FILED: On January 21, 1952, and on or about January 30, 1952, Eastern District of Virginia and Northern District of Georgia.

ALLEGED SHIPMENTS: On or about May 29, June 11, 12, 13, 14, 15, 18, and 20, July 26, and August 15, 1951, by Flotill Products, Inc., from Jersey City, N. J., and Brooklyn and New York, N. Y.

PRODUCT: 876 cases, each containing 10 9-pound, 14-ounce cans of tomato paste at Richmond, Va., and 3,248 cases, each containing 10 10-pound, 1/2-ounce cans, of tomato paste at Conley, Ga.

LABEL, IN PART: (Can) "La Valtrebbia Oro Brand Tomato Paste Italian," "Tomato Paste Made in Hungary * * * Golden pheasant," or "Globus * * * High Concentrated Hungarian Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: On March 24, 1952, a default decree of condemnation and destruction was entered with respect to the 3,248 cases of tomato paste; and, on April 4, 1952, a default decree of condemnation was entered against the 876 cases of the product. The court ordered that the latter lot be delivered to a public institution. The intact cans of this lot were to be used as animal feed, and the ruptured or otherwise unfit cans were to be destroyed.

18535. Adulteration of tomato paste. U. S. v. 395 Cases * * *. (F. D. C. No. 32431. Sample No. 9544-L.)

LIBEL FILED: January 16, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 16, 1951, by the Namrod Trading Co., from Brooklyn, N. Y.

PRODUCT: 395 cases, each containing 10 10-pound cans, of tomato paste at Great Lakes, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 9, 1952. Default decree of condemnation and destruction.

NUTS

18536. Adulteration of chestnuts. U. S. v. 4 Barrels * * *. (F. D. C. No. 32299. Sample No. 7667-L.)

LIBEL FILED: December 18, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 15, 1951, from Buffalo, N. Y.

PRODUCT: 4 175-pound barrels of chestnuts at Erie, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed chestnuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 14, 1952. Default decree of condemnation and destruction.

18537. Adulteration of mixed nuts. U. S. v. 16 Cases * * *. (F. D. C. No. 32300. Sample No. 7666-L.)

LIBEL FILED: December 19, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 15, 1951, from San Francisco, Calif.

PRODUCT: 16 cases, each containing 24 1-pound bags, of mixed nuts at Erie, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed brazil nuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 14, 1952. Default decree of condemnation and destruction.

POULTRY

18538. Adulteration of dressed poultry and frozen eggs. U. S. v. Harry Tushman (Orleans Poultry Co.). Plea of nolo contendere. Fine of \$750, plus costs. (F. D. C. No. 31555. Sample Nos. 24334-L, 24335-L, 24344-L, 25468-L, 37979-L.)

INFORMATION FILED: November 10, 1951, Western District of Kentucky, against Harry Tushman, trading as the Orleans Poultry Co., Owensboro, Ky.

ALLEGED SHIPMENT: On or about May 12 and 15 and June 5 and 14, 1951, from the State of Kentucky into the States of New York and Pennsylvania.

NATURE OF CHARGE: Dressed poultry. Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed birds, and of a filthy substance by reason of the presence of birds contaminated with fecal matter; Section 402 (a) (5), the article was in part the product of a diseased animal; and, Section 402 (a) (4), a portion of the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Frozen eggs. Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 22, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$750, plus costs.

18539. Adulteration of dressed chickens. U. S. v. 77 Dressed Chickens. (F. D. C. No. 32581. Sample No. 3291-L.)

LIBEL FILED: On or about March 5, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about February 18, 1952, by Armour & Co., from Frankford, Del.

PRODUCT: 77 dressed chickens at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: March 26, 1952. Default decree of condemnation and destruction.

18540. Adulteration of dressed poultry. U. S. v. 2,200 Pounds * * *. (F. D. C. No. 31645. Sample No. 24368-L.)

LIBEL FILED: August 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 12, 1951, by the Penobscot Poultry Co., from Belfast, Maine.

PRODUCT: 2,200 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: October 10, 1951. Solomon Bros. Poultry Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. As a result of salvaging operations, 1,672 pounds of eviscerated poultry were in compliance with the law.

18541. Adulteration of dressed poultry. U. S. v. 146 Pounds * * *. (F. D. C. No. 32546. Sample No. 38335-L.)

LIBEL FILED: February 27, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 6, 1952, by the Acme Poultry Corp., from Berlin, Md.

PRODUCT: 146 pounds of dressed poultry in 2 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 1, 1952. Default decree of condemnation and destruction.

18542. Adulteration of dressed poultry. U. S. v. 2 Crates * * *. (F. D. C. No. 31980. Sample No. 25799-L.)

LIBEL FILED: November 2, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 23, 1951, by the Spencer Poultry Co., from Dayton, Va.

PRODUCT: 1 crate, containing 70 pounds, of dressed chickens and 1 crate, containing 58 pounds, of dressed turkeys at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of birds that were contaminated with fecal matter; and, Section 402 (a) (5), the articles were in whole or in part the product of diseased animals.

DISPOSITION: January 21, 1952. Default decree of condemnation. The court ordered that a sample of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18543. Adulteration of dressed poultry. U. S. v. 5,000 Pounds * * *. (F. D. C. No. 31652. Sample No. 24370-L.)

LIBEL FILED: September 11, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 13, 1951, by Rockland Poultry Co., Inc., from Rockland, Maine.

PRODUCT: 5,000 pounds of dressed poultry in 71 crates at New York, N. Y. Examination showed the presence of pellets of diethylstilbestrol, a deleterious substance, in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added deleterious substance, diethylstilbestrol, which is unsafe within the meaning of the law.

DISPOSITION: October 23, 1951. The Rockland Poultry Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of removing the necks of the birds and eviscerating them, under the supervision of the Federal Security Agency.

18544. Adulteration of dressed turkeys. U. S. v. 2,631 Pounds * * *.
(F. D. C. No. 31793. Sample No. 38291-L.)

LIBEL FILED: October 31, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 20, 1951, from Faribault, Minn.

PRODUCT: 2,631 pounds of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 11, 1952: The Norbest Turkey Growers Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the article be released under bond, conditioned that the birds be eviscerated and the good portion salvaged, under the supervision of the Food and Drug Administration. Of 349 birds seized, 274 were found passable and were released. The remainder was denatured.

18545. Adulteration of dressed turkeys. U. S. v. 390 Pounds * * *. (F. D. C. No. 31651. Sample No. 24372-L.)

LIBEL FILED: September 4, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1951, by Furman & Co., from Canton, Mass.

PRODUCT: 390 pounds of dressed turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material.

DISPOSITION: December 27, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

18546. Adulteration of poultry products. U. S. v. 2 Boxes, etc. (F. D. C. No. 32478. Sample Nos. 1262-L to 1265-L, incl.)

LIBEL FILED: February 8, 1952, Western District of South Carolina.

ALLEGED SHIPMENT: On or about December 12, 1951, and January 3, 8, and 9, 1952, by the Crenshaw Poultry Co., from Cleveland, Ga.

PRODUCT: 2 boxes each containing 12 dressed chickens, 11 10-pound buckets of chicken gizzards, and 11 45-pound boxes of dressed chickens and chicken parts at Greenville, S. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of (2-box lot) chickens which were contaminated with foul smelling material; (11-bucket lot) intestinal contents, wood particles, feathers, and dirt; and (11-box lot) chicken and chicken parts which were contaminated with fecal matter, dirt, and crop material.

Further adulteration, Section 402 (a) (5), (2-box lot, and 4 boxes, each containing 45 pounds, of dressed chicken and chicken parts) the articles were in whole or in part the product of diseased animals.

DISPOSITION: March 27, 1952. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

18547. Adulteration of ground red pepper. U. S. v. 35 Barrels * * *.
(F. D. C. No. 31866. Sample No. 20830-L.)

LIBEL FILED: October 2, 1951, Northern District of Alabama.

ALLEGED SHIPMENT: On or about July 16, 1951, by the William Wester Pepper & Milling Co., from Gloster, Miss.

PRODUCT: 35 255-pound barrels of ground red pepper at Birmingham, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

18548. Adulteration of chili peppers. U. S. v. 120 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 32215, 32224. Sample Nos. 23946-L, 23950-L.)

LIBELS FILED: December 4, and 10, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 13, 1950, from New Iberia, La.

PRODUCT: Chili peppers. 120 bags containing 6,000 pounds, 20 bags containing 1,141 pounds, and 1 drum containing 35 pounds, at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 9, 1952. The libel proceedings having been consolidated and the Baltimore Spice Co., Baltimore, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Salvaging operations being unsuccessful, the product was destroyed.

18549. Adulteration of chili peppers. U. S. v. 143 Bags * * *. (F. D. C. No. 32150. Sample No. 37545-L.)

LIBEL FILED: November 19, 1951, District of Indiana.

ALLEGED SHIPMENT: On or about October 27, 1950, from Mexico.

PRODUCT: 143 bags, each containing approximately 112 pounds, of chili peppers at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 13, 1952. Charles T. Wilson Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by fumigating, sifting, and blowing, under the supervision of the Food and Drug Administration. Salvaging operations resulted in the recovery of 14,719 pounds of chili peppers which were fit for human consumption. 558 pounds were destroyed.

18550. Adulteration of flavoring extract. U. S. v. 1 Can, etc. (F. D. C. No. 32892. Sample No. 8882-L.)

LIBEL FILED: March 21, 1952, Northern District of Indiana.

ALLEGED SHIPMENT: On or about December 14, 1951, by the Val-Sweet Co., from San Francisco, Calif.

PRODUCT: Flavoring extract. 1 8-gallon can and 1 5-gallon can at Plumtree, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained added poisonous and deleterious substances, monochloroacetic acid and ethyl chloroacetate, which are unsafe within the meaning of the law since they are substances not required in the production of the food and can be avoided by good manufacturing practice.

DISPOSITION: May 9, 1952. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18501 TO 18550

PRODUCTS			
	N. J. No.		N. J. No.
Ale	18501	Chili peppers	18548, 18549
Bakery product	18503	Coffee, green	18502, 18503
Beans, fava, in bags	18523	Corn, canned	18524
Beer	18501	Dairy products	18515-18517
Beverages and beverage materials	18501-18503, 18532, 18533	Eggs, frozen	18538
Black-eyed peas, dried	18525	Enriched flour	18510
Brazil nuts, unshelled	18537	Fava beans, in bags	18523
Bread	18503	Fish and shellfish	18518-18520
Butter	18515, 18516	Flavors. See Spices, flavors, and seasoning materials.	
Candy	18504, 18505	Flour	18509, 18510
Catsup, tomato	18531	Fruits and vegetables	18521-18535
Cereals and cereal products	18508-18514	fruit, canned	18521, 18522
Cheese	18517	tomatoes and tomato products	18528-18535
Cherries, canned	18521	vegetables and vegetable products	18523-18527
Chestnuts	18536	Macaroni and noodle products	18511, 18512
Chickens. See Poultry.			

	N. J. No.		N. J. No.
Noodles. <i>See</i> Macaroni and noodle products.		Spaghetti. <i>See</i> Macaroni and noodle products.	
Nuts-----	18536, 18537	Spices, flavors, and seasoning materials-----	18547-18550
Oysters-----	18519, 18520	Sweetpotatoes, canned-----	18526
Peaches, canned-----	18522	Tomato(es), canned-----	18528-18530
Peas, black-eyed, dried-----	18525	catsup-----	18531
Pepper, red, ground-----	18547	juice-----	18532, 18533
Peppers, chili-----	18548, 18549	paste-----	18534, 18535
Pickles-----	18527	Turkeys. <i>See</i> Poultry.	
Poultry, dressed-----	18538-18546	Vegetables. <i>See</i> Fruits and vegetables.	
Rice-----	18513, 18514	Whiting, H. & G., frozen-----	18518
Shellfish. <i>See</i> Fish and shellfish.			
Sirup, sorghum-----	18506, 18507		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Acme Poultry Corp.:		Jones, J. A.:	
dressed poultry-----	18541	canned peaches-----	18522
Armour & Co.:		Kingan & Co.:	
dressed poultry-----	18539	butter-----	18516
Bischoff, E. A.:		Lakeshore Creamery:	
butter-----	18516	butter-----	18515
Blair Milling Co.:		LePelley's West Coast Candy Co.:	
enriched flour-----	18510	candy-----	18504, 18505
Boggs, L. O., Co.:		Merchants Creamery Co., Inc.:	
flour-----	18509	butter-----	18516
Bulow, L. C.:		Miles, J. H., & Co., Inc.:	
tomato juice-----	18533	oysters-----	18520
Comet Rice Mills:		Naas Corp. of Indiana:	
rice-----	18514	tomato juice-----	18532
Crenshaw Poultry Co.:		Namrod Trading Co.:	
poultry products-----	18546	tomato paste-----	18535
Crum, C. L.:		Orleans Poultry Co. <i>See</i> Tushman, Harry.	
sorghum sirup-----	18506, 18507	Pappas Bros. & Gillies Co.:	
Darling, J. S., & Son:		canned tomatoes-----	18529
oysters-----	18519	Penobscot Poultry Co.:	
Flotill Products, Inc.:		dressed poultry-----	18540
tomato paste-----	18534	Pipitone, Thos., Co.:	
Furman & Co.:		fava beans-----	18523
dressed turkeys-----	18545	Ponte Cheese Co.:	
Garden City Pickle Co.:		cheese-----	18517
pickles-----	18527	Pontecorvo, L. E.:	
Griffin Grocery Co.:		cheese-----	18517
canned corn-----	18524	Prince Macaroni Co.:	
Griffin's Associated Fisheries:		enriched spaghetti-----	18512
frozen H. & G. whiting-----	18518	Rockland Poultry Co., Inc.:	
Iowa Baking Co.:		dressed poultry-----	18543
bread-----	18508		

	N. J. No.		N. J. No.
Semaco Macaroni Co., Inc.:		Tushman, Harry:	
macaroni-----	18511	dressed poultry and frozen	
Shindler, I. L.:		eggs-----	18538
bread-----	18508	United Rice Milling Products Co.,	
Sisk, Albert W., & Son:		Inc.:	
canned tomatoes-----	18530	rice-----	18513
Spencer Poultry Co.:		Val-Sweet Co.:	
dressed poultry-----	18542	flavoring extract-----	18550
Stevens Canning Co.:		Wester, William, Pepper & Mill-	
canned cherries-----	18521	ing Co.:	
Sweetser Packing Co., Inc.:		ground red pepper-----	18547
tomato catsup-----	18531	Wright, J. N., Jr.:	
		canned sweetpotatoes-----	18526



FEDERAL REGISTER

The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18551-18600

FOODS

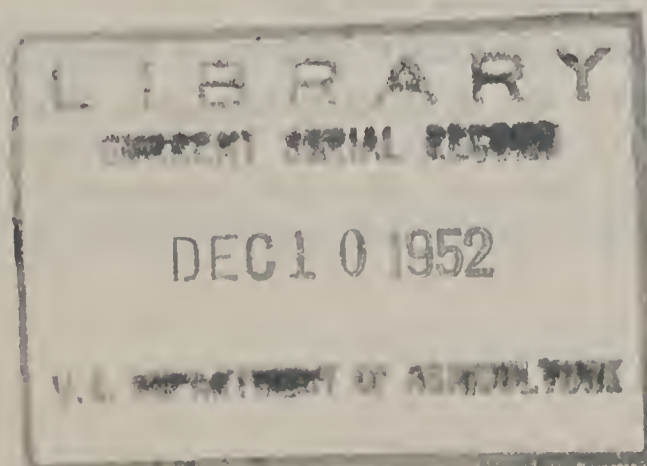
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 5, 1952.

CONTENTS

	Page		Page
Candy.....	240	Fruits and vegetables.....	250
Cereals and cereal products.....	241	Fresh fruit.....	250
Flour.....	241	Vegetables and vegetable products.....	251
Miscellaneous cereals and cereal		Tomatoes and tomato products.....	253
products.....	242	Nuts.....	254
Dairy products.....	244	Poultry.....	256
Butter.....	244	Spices, flavors, and seasoning ma-	
Cheese.....	245	terials.....	257
Fish and shellfish.....	246	Index.....	258



CANDY

18551. Adulteration of candy. U. S. v. 12 Boxes, etc. (F. D. C. No. 32889. Sample Nos. 38804-L, 38805-L.)

LIBEL FILED: On or about March 24, 1952, Western District of Virginia.

ALLEGED SHIPMENT: On or about February 21, 1952, by the R. E. Rodda Candy Co., from Lancaster, Pa.

PRODUCT: 32 boxes of candy at Roanoke, Va.

LABEL, IN PART: "Rodda 120 Count Chocolate Covered M. M. Rabbits [or "Pigs"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 8, 1952. Default decree of condemnation and destruction.

18552. Adulteration of candy Easter eggs. U. S. v. 36 Boxes * * *. (F. D. C. No. 32689. Sample No. 4665-L.)

LIBEL FILED: February 21, 1952, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about January 11, 1952, by the the Texas Candy & Nut Co., from Memphis, Tenn.

PRODUCT: 36 boxes, each containing approximately 3½ pounds, of marshmallow Easter eggs at Stollings, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs.

DISPOSITION: April 25, 1952. Default decree of condemnation and destruction.

18553. Adulteration of peanut brittle. U. S. v. 74 Cases * * *. (F. D. C. No. 32274. Sample No. 17769-L.)

LIBEL FILED: December 10, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about July 5, August 15, September 18 and 27, and October 8, 1951, from Denver, Colo.

PRODUCT: 74 cases, each containing 12 12-ounce packages, of peanut brittle at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its marked rancid odor and taste. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 8, 1952. Default decree of condemnation. The court ordered that the product be sold on condition that it be denatured for use as animal feed, under the supervision of the Federal Security Agency.

18554. Adulteration of popcorn balls. U. S. v. 34 Cases * * *. (F. D. C. No. 32226. Sample No. 6069-L.)

LIBEL FILED: December 7, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 6, 1950, from Kingston, Pa.

PRODUCT: Popcorn balls. 34 cases, each case containing 150 balls of popcorn at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 18, 1952. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

FLOUR

18555. Adulteration of flour. U. S. v. 172 Bags, etc. (F. D. C. No. 31935. Sample Nos. 20861-L to 20866-L, incl.)

LIBEL FILED: October 24, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 10, August 3, 4, 9, and 31, and September 7, 1951, from Springfield, Mo., Arkansas City, Kans., and Shawnee and Enid, Okla.

PRODUCT: 39 50-pound bags, 597 25-pound bags, and 50 10-pound bags of flour at Winnfield, La., in possession of the Parker Thompson Wholesale Grocery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 28, 1952. Default decree of condemnation and destruction. On February 13, 1952, Parker Thompson having intervened in the matter for the purpose of salvaging the condemned product, an order was entered which provided that the product should be released under bond to the intervener, on condition that it be denatured for use as animal feed, under the supervision of the Federal Security Agency. On March 24, 1952, the intervener having failed to repossess the condemned product within the period of 20 days prescribed by the order of February 13, 1952, the court entered an order directing that the product be destroyed or otherwise disposed of as provided by law. The product was delivered to a State institution, for use as hog feed.

18556. Adulteration of flour. U.S. v. 122 Bags, etc. (F. D. C. No. 32273. Sample Nos. 35417-L, 35418-L.)

LIBEL FILED: December 10, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 15 and 23, 1951, from Omaha, Nebr., and Kansas City, Mo.

PRODUCT: 127 50-pound bags of flour at Atlantic, Iowa, in possession of the Atlantic Wholesale Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions

whereby it may have become contaminated with filth. The article adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 27, 1951. The Atlantic Wholesale Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The reconditioning operations consisted of segregating and denaturing the unfit portion for use as animal feed. Approximately 73 50-pound bags were denatured.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

18557. Adulteration of bulk corn. U. S. v. 100,000 Pounds * * *. (F. D. C. No. 33095. Sample No. 53114-L.)

LIBEL FILED: On or about April 25, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 8, 1952, by the Burt Grain Co., from Clarion, Iowa.

PRODUCT: 100,000 pounds of bulk corn at Springfield, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy, sour, and rancid grain.

DISPOSITION: April 25, 1952. The Masters-Kelley Grain Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was utilized in the manufacture of industrial alcohol.

18558. Adulteration of rice. U. S. v. 50,000 Pounds * * *. (F. D. C. No. 32267. Sample No. 21143-L.)

LIBEL FILED: December 5, 1951, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 30, 1951, from Birmingham, Ala. This was a return shipment.

PRODUCT: 50,000 pounds of rice at Houston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: January 2, 1952. Adolphus Rice Mills, Inc., Houston, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 756 pounds of the product were found unfit and were denatured for use as animal feed.

18559. Adulteration of rice. U. S. v. 12 Bags * * *. (F. D. C. No. 32257. Sample No. 22177-L.)

LIBEL FILED: On or about December 4, 1951, Middle District of Alabama.

ALLEGED SHIPMENT: On or about June 27, 1951, from Crowley, La.

PRODUCT: 12 100-pound bags of rice at Montgomery, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 2, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

18560. Adulteration of rice. U. S. v. 71 Bales * * * (and one other seizure action). (F. D. C. Nos. 32054, 32258. Sample Nos. 22105-L, 22397-L.)

LIBELS FILED: On or about November 20 and December 4, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about September 14 and 25 and October 17, 1951, by Kaplan Rice Mill, Inc., from Kaplan, La.

PRODUCT: 71 bales, each containing 30 2-pound packages, and 71 bales, each containing 48 1-pound packages, of rice at Natchez, Miss.

LABEL, IN PART: "Blue Heron Finest Quality Long Grain Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: April 3, 1952. Default decrees of condemnation. The court ordered that the product be sold or donated to a charitable institution, conditioned that it be denatured for use as animal feed or that it be destroyed.

18561. Adulteration of rice. U. S. v. 218 Cases * * *. (F. D. C. No. 32260. Sample No. 22393-L.)

LIBEL FILED: December 4, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about October 1 and 30 and November 5, 1951, from Rayne, La.

PRODUCT: 218 cases, each containing 48 1-pound packages, of rice at Woodville, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 13, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, conditioned that it be denatured for use other than for human consumption.

18562. Adulteration of baking mixes. U. S. v. 6 Cases, etc. (F. D. C. No. 31724. Sample Nos. 2805-L to 2808-L, incl.)

LIBEL FILED: On or about October 2, 1951, Western District of Virginia.

ALLEGED SHIPMENT: On or about December 5, 1950, and January 17 and 30, July 5, and August 6, 1951, by the Doughnut Corp. of America, from Ellicott City, Md.

PRODUCT: 6 cases of pie crust mix, 4 cases of pancake mix, 4 cases of waffle mix, and 4 cases of cookie mix at Bristol, Va. Each case contained 6 5-pound packages.

LABEL, IN PART: "Downyflake Pie Crust Mix [or "Egg Pancake Mix" or "Egg Waffle Mix"]" and "Downyflake Yellow [or "Oatmeal," "Spice," "Ginger," or "Chocolate Flavored"] Cookie Mix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 12, 1951. Default decree of condemnation and destruction.

18563. Adulteration of breeding mix. U. S. v. 32 Barrels * * *. (F. D. C. No. 32289. Sample No. 21232-L.)

LIBEL FILED: December 21, 1951, Southern District of Texas.

ALLEGED SHIPMENT: On or about July 26, 1950, from Brooklyn, N. Y.

PRODUCT: 32 225-pound barrels of breeding mix at Brownsville, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, and of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 29, 1952. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, No. 18564; that was below the legal standard for milk fat content, Nos. 18564 and 18565; and that was short of the declared weight, No. 18566.

18564. Adulteration of butter. U. S. v. 455 Cubes (29,120 pounds) * * *. (F. D. C. No. 32253. Sample No. 28734-L.)

LIBEL FILED: November 9, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about September 24, 1951, by Sunflower Coop. Creamery Assn., from Everest, Kans.

PRODUCT: 455 64-pound cubes of butter at San Francisco, Calif.

LABEL, IN PART: "Western Dairy Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly and other insect parts, feather barbules, rodent hairs, and nondescript dirt; Section 402 (a) (4), the article was prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), a product containing less than 80% by weight of milk fat had been substituted for butter.

DISPOSITION: January 28, 1952. The Sunflower Coop. Creamery Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into tallow, under the supervision of the Federal Security Agency.

18565. Adulteration of butter. U. S. v. 16 Cartons, etc. (1,600 pounds, total).
(F. D. C. No. 32254. Sample No. 35388-L.)

LIBEL FILED: November 2, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 24, 1951, from Garfield, Minn.

PRODUCT: 25 64-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. W. Dunnet & Co., 311 Phila, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80% by weight of milk fat had been substituted for butter.

DISPOSITION: December 5, 1951. C. W. Dunnet & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

18566. Misbranding of butter. U. S. v. 50 Prints * * *. (F. D. C. No. 32251.
Sample Nos. 15325-L, 15326-L.)

LIBEL FILED: September 19, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about August 21 and September 4, 1951, by the Galva Creamery Co., from Kansas City, Mo.

PRODUCT: 50 prints of butter at Kansas City, Kans.

LABEL, IN PART: (Print Wrapper) "One Pound Net Oak Leaf Brand Butter."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package containing the article did not bear an accurate statement of the quantity of the contents since the statement "One Pound Net" was incorrect. (The article was short of the declared weight.)

DISPOSITION: March 17, 1952. Default decree of condemnation: The court ordered that the product be delivered to charitable institutions.

CHEESE

18567. Adulteration and misbranding of pasteurized process blue, Swiss, Gruyere, and Cheddar cheese. U. S. v. 41 Dozen Plastic Dishes * * * (and one other seizure action). (F. D. C. Nos. 32201, 32202. Sample Nos. 24166-L, 25893-L.)

LIBELS FILED: November 30, 1951, Eastern District of Pennsylvania and Southern District of New York.

ALLEGED SHIPMENT: On or about August 16, September 21, and October 17 and 25, 1951, by Zausner Foods, Inc., from Hillside, N. J.

PRODUCT: 137 dozen plastic dishes, each containing 6 1-ounce packages, of pasteurized process blue, Swiss, Gruyere, and Cheddar cheese, at Philadelphia, Pa., and New York, N. Y.

LABEL, IN PART: (Package) "Brandy Blue Pasteurized Process Cheese Flavored With Brandy," "Aged Gruyere Pasteurized Process Swiss Cheese," "Kummel and Swiss Pasteurized Process Cheese," "Smoked Cheddar Pasteurized Process Cheese," "Wine Cheddar Pasteurized Process Cheese Flavored with Wine," and "Sharp Aged Cheddar Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product, the solids of which contained less than 50 percent of milk fat, had been substituted in whole or in part for pasteurized process blue cheese; a product containing more than 42 percent moisture had been substituted in whole or in part for "Kummel and Swiss Pasteurized Process Cheese"; and products containing more than 40 percent of moisture, the solids of which contained less than 50 percent of milk fat, had been substituted in whole or in part for pasteurized process Cheddar cheese.

Misbranding, Section 403 (g) (1), the articles labeled, in part, as "Blue," "Kummel and Swiss," "Smoked Cheddar," "Wine Cheddar," and "Sharp Aged Cheddar," purported to be and were represented as pasteurized processed cheeses, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to such definitions and standards. The definitions and standards provide that pasteurized process blue cheese contains in its solids not less than 50 percent of milk fat; that pasteurized process Swiss cheese contains not more than 44 percent of moisture; and that pasteurized processed Cheddar cheese contains not more than 40 percent of moisture and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in the definitions and standards. The article (blue cheese) contained in its solids less than 50 percent of milk fat; the article (Kummel and Swiss cheese) contained more than 44 percent of moisture; and the articles (smoked Cheddar, wine Cheddar, and sharp Cheddar cheese) contained more than 40 percent of moisture, and their solids contained less than 50 percent of milk fat.

Further misbranding, Section 403 (g) (2), the articles purported to be and were represented as pasteurized process blue cheese, pasteurized process Swiss cheese, pasteurized process Gruyere cheese, and pasteurized process Cheddar cheese, and their labels failed to bear the names of the articles specified in the definitions and standards of identity.

DISPOSITION: January 7 and 23, 1952. Default decrees of condemnation and destruction. The court ordered that the products be delivered to charitable institutions.

FISH AND SHELLFISH

18568. Adulteration of frozen cod fillets. U. S. v. 75 Cases * * *. (F. D. C. No. 32687. Sample No. 13887-L.)

LIBEL FILED: February 28, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about October 10, 1951, by Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.

PRODUCT: 75 cases, each containing 12 1-pound packages, of frozen cod fillets at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: May 9, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

18569. Adulteration of frozen ocean perch fillets. U. S. v. 285 Cases * * *
(and 1 other seizure action). (F. D. C. Nos. 32276, 32277. Sample Nos. 30357-L, 30365-L.)

LIBELS FILED: December 13, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about October 8, 1951, by the Yaquina Bay Fish Co., from Newport, Oreg.

PRODUCT: 783 cases, each containing 12 1-pound packages, of frozen ocean perch fillets at Seattle, Wash.

LABEL, IN PART: (Package) "Ocean Beauty Brand Ocean Perch Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: December 21, 1951. The Yaquina Bay Fish Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. 579 cases of the product were found unfit and were denatured for use as fish meal.

18570. Adulteration of canned salmon. U. S. v. 22 Cases * * *. (F. D. C. No. 32291. Sample Nos. 28845-L, 28847-L.)

LIBEL FILED: December 20, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about August 24, 1951, by S. Einstoss, from Ketchikan, Alaska.

PRODUCT: 22 cases, each containing 48 cans, of pink salmon at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: March 24, 1952. Default decree of condemnation and destruction.

18571. Misbranding of canned sardines. U. S. v. 199 Cases * * *. (F. D. C. No. 31830. Sample No. 19122-L.)

LIBEL FILED: September 21, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about February 21, 1951, by the Santa Cruz Canning Co., from Moss Landing, Calif.

PRODUCT: 199 cases, each containing 48 cans, of sardines at Sioux City, Iowa.

LABEL, IN PART: "Fortune Brand California Sardines in Tomato Sauce Contents 15 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination disclosed that the product was short of the declared weight.)

DISPOSITION: October 18, 1951. The Santa Cruz Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18572. Adulteration and misbranding of oysters. U. S. v. 784 Cans * * *.
(F. D. C. No. 32323. Sample No. 3819-L.)

LIBEL FILED: December 26, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about December 17, 1951, by Irvington Fish & Oyster Co., Inc., from Irvington, Va.

PRODUCT: 784 1-pint cans of oysters at Springfield, Ill.

LABEL, IN PART: "Oysters Standards * * * King Carter Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the article was represented as oysters standards, and it failed to conform to the definition and standard of identity for oysters standards since it was not thoroughly drained; and in preparation of the article, the total time of contact with water or salt water after leaving the shucker, computed as directed by the definition and standard, was more than 30 minutes.

DISPOSITION: January 19, 1952. Default decree of condemnation and destruction.

18573. Adulteration and misbranding of oysters. U. S. v. 54 Cans, etc. (and 2 other seizure actions). (F. D. C. Nos. 31995, 31996, 31998. Sample Nos. 3409-L to 3411-L, incl., 3583-L, 4204-L.)

LIBELS FILED: On or about November 5, 6, and 21, 1951, Eastern District of North Carolina and District of Maryland.

ALLEGED SHIPMENT: On or about October 31 and November 1, 1951, by the York River Seafood Co., from Seaford, Phoebus, and Yorktown, Va.

PRODUCT: 198 1-pint cans of oysters standards and 362 1-pint cans of oysters selects in various quantities at Roanoke Rapids, N. C., and Baltimore, Md.

LABEL, IN PART: (Cans) "Oysters Standards" and "Oysters Selects"; (portions) "Bay Brand Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been mixed and packed with the oysters so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects since in their preparation, the total time of contact with water after leaving the shucker was more than 30 minutes; and portions of the oysters

failed also to conform to the definitions and standards since they had not been thoroughly drained as required by the regulations.

DISPOSITION: November 27 and December 13, 1951. Default decrees of condemnation and destruction.

18574. Adulteration and misbranding of oysters. U. S. v. 144 Cans * * *.
(F. D. C. No. 32175. Sample No. 4542-L.)

LIBEL FILED: November 23, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about November 17, 1951, by C. W. Howeth & Bro., from Crisfield, Md.

PRODUCT: 144 cans of oysters at Rochester, N. Y.

LABEL, IN PART: (Can) "Oysters Standards 1 Pint H & B Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since they were not thoroughly drained; and in the preparation of the oysters, the total time of contact with water after leaving the shucker, computed as directed in the definition and standard, was more than 30 minutes.

DISPOSITION: December 28, 1951. Default decree of condemnation and destruction.

18575. Adulteration of frozen shrimp. U. S. v. 115 Cases, etc. (F. D. C. No. 32582. Sample Nos. 10030-L, 10031-L.)

LIBEL FILED: March 12, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 16, 1951, and January 26, 1952, by the Colter Corp., from Palacios, Tex.

PRODUCT: Frozen shrimp. 115 cases, each containing 9 5-pound cartons, and 63 cases, each containing 48 1-pound packages, at Chicago, Ill.

LABEL, IN PART: (Portion) "Texas Fisheries Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of house flies, and of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: May 6, 1952. The Slade Gorton Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into fish bait.

18576. Adulteration of frozen shrimp. U. S. v. 35 Packages * * *. (F. D. C. No. 32282. Sample No. 29633-L.)

LIBEL FILED: December 20, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about July 16, 1951, by L. W. Card, from Portland, Oreg.

PRODUCT: 35 packages of frozen shrimp at Seattle, Wash.

LABEL, IN PART: "Ocean Garden Frozen Fresh Shrimp Net Wt. 5 pounds Marine Products Company San Diego, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: March 24, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

FRESH FRUIT

18577. Adulteration of blueberries. U. S. v. 17 Cases * * * (and one other seizure action). (F. D. C. Nos. 32244, 32245. Sample Nos. 8937-L, 8938-L.)

LIBELS FILED: November 5 and 6, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 1 and 13, 1951, by McNerney & Co., from Benton Harbor, Mich.

PRODUCT: 22 cases, each containing 16 1-quart boxes, of blueberries at Chicago, Ill.

LABEL, IN PART: "Delos See Dowagiac Mich. Blueberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article was infested with maggots.)

DISPOSITION: December 28 and 31, 1951. Default decrees of condemnation and destruction.

18578. Adulteration of blueberries. U. S. v. 10 Cases * * *. (F. D. C. No. 32246. Sample No. 8939-L.)

LIBEL FILED: November 6, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 14, 1951, (1 case) by T. A. Dumetz, from Hartford, Mich; and, on or about August 15, 1951, (9 cases) by McNerney & Co., from Benton Harbor, Mich.

PRODUCT: 10 cases, each containing 16 1-quart boxes, of blueberries at Chicago, Ill.

LABEL, IN PART: "Delos See Dowagiac Mich. Blueberries" and "Blue Berries T. A. Dumetz Rt. 2 - Hartford, Mich."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article was infested with maggots.)

DISPOSITION: December 28, 1951. Default decree of condemnation and destruction.

18579. Adulteration of blueberries. U. S. v. 5 Cases * * *. (F. D. C. No. 32247. Sample No. 8940-L.)

LIBEL FILED: November 8, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 30, 1951, (1 case) by Wayne Curtis, from Berrien Center, Mich; and, on or about July 31, 1951, (4 cases) by McNerney & Co., from Benton Harbor, Mich.

PRODUCT: 5 cases, each containing 16 1-quart boxes, of blueberries at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article was infested with maggots.)

DISPOSITION: December 28, 1951. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

18580. Adulteration of dried lima beans. U. S. v. 29 Bags * * *. (F. D. C. No. 32290. Sample No. 18950-L.)

LIBEL FILED: On or about December 27, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about October 31, 1950, from Oxnard, Calif.

PRODUCT: 29 100-pound bags of dried lima beans at Laurens, Iowa, in possession of M. and J. R. Hakes.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 19, 1952. Default decree of condemnation. The court ordered that the product be sold for use as animal feed, and that if the product could not be sold, that it be turned over to a charitable institution, for use as animal feed or destroyed.

18581. Adulteration of black-eyed peas. U. S. v. 19 Bags * * *. (F. D. C. No. 30228. Sample No. 93271-K.)

LIBEL FILED: December 20, 1950, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 24, 1950, from Kansas City, Mo.

PRODUCT: 19 100-pound bags of black-eyed peas at Athens, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 26, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

18582. Adulteration of black-eyed peas. U. S. v. 14 Cases * * *. (F. D. C. No. 30207. Sample No. 82109-K.)

LIBEL FILED: December 15, 1950, Middle District of Georgia.

ALLEGED SHIPMENT: On or about November 30, 1949, from Mobile, Ala.

PRODUCT: 14 cases, each containing 24 2-pound bags, of black-eyed peas at Albany, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged peas. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 16, 1951. Default decree of condemnation and destruction.

18583. Adulteration of potatoes. U. S. v. 154 Bags * * *. (F. D. C. No. 32259. Sample Nos. 28366-L, 28367-L.)

LIBEL FILED: December 7, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about November 3 and 6, 1951, from Smith, Nev., by Joe Accari (Joe Acciasia), and by P. Acciasia.

PRODUCT: 154 100-pound bags of potatoes at San Jose, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: January 3, 1952. Default decree of condemnation and destruction. The product subsequently was disposed of for use as hog feed.

18584. Adulteration of canned pumpkin. U. S. v. 260 Cases * * *. (F. D. C. No. 32271. Sample No. 2950-L.)

LIBEL FILED: On or about December 10, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 20, 1951, by the E. G. Reece Canning Co., from Waldron, Ind.

PRODUCT: 260 cases, each containing 24 1-pound, 13-ounce cans, of pumpkin at Charleston, W. Va.

LABEL, IN PART: (Can) "Conquest Brand Pumpkin."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly and other insect parts; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 4, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, to be used as animal feed.

18585. Adulteration of pickled peppers. U. S. v. 109 Cases * * *. (F. D. C. No. 32283. Sample Nos. 29542-L, 29544-L.)

LIBEL FILED: December 18, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about June 14, 1950, from Jackson, Miss.

PRODUCT: 109 cases, each containing 24 6-ounce jars, of pickled peppers at Tacoma, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 18, 1952. Default decree of condemnation and destruction.

18586. Adulteration of sweet peppers. U. S. v. 7 Cases * * *. (F. D. C. No. 32172. Sample No. 23765-L.)

LIBEL FILED: November 23, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about April 30, 1951, by Anna Myer's Pure Foods, Inc., from Garfield, N. J.

PRODUCT: 7 cases, each containing 12 1-quart jars, of sweet peppers at New Britain, Conn.

LABEL, IN PART: (Jar) "Mrs. Anna Myer's Sweet Peppers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peppers, and of a decomposed substance by reason of the presence of decomposed peppers.

DISPOSITION: January 28, 1952. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18587. Misbranding of canned tomatoes. U. S. v. 118 Cases * * *. (F. D. C. No. 32897. Sample No. 8363-L.)

LIBEL FILED: March 21, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about October 19, 1951, by the Hopewell Canning Co., from Hopewell, Md.

PRODUCT: 118 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Utica, N. Y.

LABEL, IN PART: "Hopewell Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 24 and May 20, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18588. Misbranding of canned tomatoes. U. S. v. 66 Cases * * *. (F. D. C. No. 32261. Sample No. 2933-L.)

LIBEL FILED: December 3, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 24, 1951, by Thomas Roberts & Co., from Kingston, Md.

PRODUCT: 66 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charleston, W. Va.

LABEL, IN PART: "Pride of the Farm Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: December 27, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18589. Adulteration of tomato puree. U. S. v. 294 Cases * * *. (F. D. C. No. 32688. Sample No. 8346-L.)

LIBEL FILED: February 23, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about September 19 and October 3, 1951, by Albert W. Sisk & Son, from Hurlock, Md.

PRODUCT: 294 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Utica, N. Y.

LABEL, IN PART: "De Cecco Brand * * * Tomato Puree Packed by John N. Wright, Jr., Hurlock, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 19, 1952. Default decree of condemnation and destruction.

18590. Adulteration of tomato sauce. U. S. v. 999 Cases * * *. (F. D. C. No. 30425. Sample No. 25236-L.)

LIBEL FILED: February 7, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 2, 1951, by Hunt Foods, Inc., from Bridgeton, N. J.

PRODUCT: 999 cases, each containing 72 8-ounce cans, of tomato sauce at Philadelphia, Pa.

LABEL, IN PART: (Can) "Hunt's Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 27, 1951. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. 482 cases of the product were found unfit and were destroyed.

NUTS

18591. Adulteration of cashew nuts. U. S. v. 500 Cases * * *. (F. D. C. No. 32125. Sample No. 27104-L.)

LIBEL FILED: On or about December 4, 1951, Northern District of California. Amended libel filed on December 5, 1951.

ALLEGED SHIPMENT: On or about October 20, 1951, by the J. J. Murphy Co., from New York, N. Y.

PRODUCT: 500 cases, each containing 2 25-pound tins, of cashew nuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 7, 1951. D. Hecht & Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond

to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was reconditioned by screening the material; and the screenings, consisting of unfit material and amounting to approximately 50 pounds, were destroyed.

18592. Adulteration of cashew nuts. U. S. v. 68 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 31826, 31834, 31861. Sample Nos. 27381-L, 27382-L, 27388-L, 27649-L.)

LIBELS FILED: September 26 and October 2 and 5, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about August 18 and 25, 1951, by the Kelling Nut Co., Inc., from Paterson, N. J.

PRODUCT: 410 50-pound cases and 42 25-pound cans of cashew nuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 16, 1951. The Kelling Nut Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Federal Security Agency. The salvaging operations resulted in the segregation and denaturing of a total of 200 pounds of the product as unfit.

18593. Adulteration of shelled peanuts. U. S. v. 2 Bags * * *. (F. D. C. No. 32275. Sample No. 6799-L.)

LIBEL FILED: December 10, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about October 25, 1951, from Suffolk, Va.

PRODUCT: 2 123-pound bags of shelled peanuts at Rochester, N. Y., in possession of the National Peanut Corp.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 15, 1952. Default decree of condemnation and destruction.

18594. Adulteration of mixed nuts. U. S. v. 53 Cases * * *. (F. D. C. No. 32272. Sample No. 7506-L.)

LIBEL FILED: December 10, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about September 15, 1951, from Empire, Calif.

PRODUCT: 53 cases, each containing 24 1-pound bags, of mixed nuts at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed brazil nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 27, 1951. S. M. Flickinger Co., Inc., Buffalo, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 241 pounds of the product were segregated as unfit and were destroyed.

POULTRY

18595. Adulteration of dressed poultry. U. S. v. Morris Sokoloff and Sam Kornblum. Pleas of guilty. Fine of \$200 against Defendant Kornblum and \$100 against Defendant Sokoloff. (F. D. C. No. 31582. Sample No. 25791-L.)

INFORMATION FILED: On or about April 17, 1952, District of Delaware, against Morris Sokoloff, president of the Samor Poultry Corp., and Sam Kornblum, vice president of the corporation, Wilmington, Del.

ALLEGED SHIPMENT: On or about September 11, 1951, from the State of Delaware into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal matter and crop material; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry, and it was in part the product of an animal, namely, poultry, which had died otherwise than by slaughter.

DISPOSITION: June 5, 1952. Pleas of guilty having been entered, the court imposed a fine of \$200 against Defendant Kornblum and a fine of \$100 against Defendant Sokoloff.

18596. Adulteration of dressed poultry. U. S. v. 1,046 Pounds * * *. (F. D. C. No. 32284. Sample No. 19070-L.)

LIBEL FILED: December 15, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about November 26, 1951, by Landsberger Creamery & Produce, from Sisseton, S. Dak.

PRODUCT: 1,046 pounds of dressed poultry in 9 crates at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: March 7, 1952. John E. Landsberger, Sisseton, S. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The entire lot of the product was subsequently destroyed.

18597. Adulteration of dressed poultry. U. S. v. 843 Pounds * * *. (F. D. C. No. 32227. Sample No. 25801-L.)

LIBEL FILED: December 7, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: November 27, 1951, by Caroline Poultry Farms, Inc., from Federalsburg, Md.

PRODUCT: 843 pounds of dressed poultry at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds

which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 22, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Federal Security Agency, and that the remainder be destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

18598. Adulteration of imitation black pepper base. U. S. v. 5 Bags * * *.
(F. D. C. No. 32293. Sample No. 20893-L.)

LIBEL FILED: December 21, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 22 and October 29, 1951, by Proflo Division, Traders Oil Mill Co., from Fort Worth, Tex.

PRODUCT: 5 100-pound bags of imitation black pepper base at Shreveport, La.

LABEL, IN PART: "Traders Base for Imitation Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: February 29, 1952. Default decree of condemnation and destruction.

18599. Adulteration and misbranding of pepper salad and olive condite. U. S. v. 4 Cases, etc. (F. D. C. No. 32269. Sample Nos. 6790-L, 6798-L.)

LIBEL FILED: December 5, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about August 8 and October 10, 1951, from McKees Rocks, Pa., by the De Luxe Products Co.

PRODUCT: 4 cases, each containing 24 8-ounce jars, of pepper salad, and 6 cases, each containing 24 1-pint jars, and 4 cases, each containing 24 8-ounce jars, of olive condite at Rochester, N. Y.

LABEL, IN PART: "De Luxe Pepper Salad in Pure Imported Olive Oil" and "De Luxe Olive Condite with Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the articles.

Misbranding, Section 403 (a), the label statements (pepper salad) "in Pure Imported Olive Oil" and (olive condite) "with Olive Oil" were false and misleading as applied to the articles, which contained little, if any, olive oil.

DISPOSITION: January 15, 1952. Default decree of condemnation and destruction.

18600. Adulteration of red chili puree. U. S. v. 51 cases * * *. (F. D. C. No. 32603. Sample No. 13924-L.)

LIBEL FILED: January 23, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about October 10 and December 3, 1951, by Ashley's, Inc., from El Paso, Tex.

PRODUCT: 51 cases, each containing 48 8-ounce cans, of red chili puree at Denver, Colo.

LABEL, IN PART: "Ashley's Brand Red Chili Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed chili material.

DISPOSITION: March 19, 1952. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18551 TO 18600

PRODUCTS

	N. J. No.		N. J. No.
Beans, lima, dried	18580	Nuts	18591-18594
Black-eyed peas (in bags)	18581, 18582	Olive condite	18599
Blueberries, fresh	18577-18579	Oysters	18572-18574
Brazil nuts	18594	Pancake mix	18562
Breading mix	18563	Peanut(s), brittle	18553
Butter	18564-18566	shelled	18593
Candy	18551-18554	Peas, black-eyed (in bags)	18581, 18582
Cashew nuts	18591, 18592	Pepper base, black	18598
Cereals and cereal products	18555-18563	salad	18599
Cheddar cheese	18567	Peppers, pickled	18585
Cheese, Cheddar, Gruyere, process blue, and Swiss	18567	sweet	18586
Chili puree, red	18600	Perch fillets, frozen	18569
Cod fillets, frozen	18568	Pie crust mix	18562
Condite, olive	18599	Popcorn balls	18554
Cookie mix	18562	Potatoes	18583
Corn, bulk	18557	Poultry, dressed	18595-18597
Dairy products	18564-18567	Process blue cheese	18567
Easter eggs, candy	18552	Pumpkin, canned	18584
Fish and shellfish	18568-18576	Rice	18558-18561
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Salad, pepper	18599
Flour	18555, 18556	Salmon, canned	18570
Fruits and vegetables	18577-18590	Sardines, canned	18571
fruit, fresh	18577-18579	Shellfish. <i>See</i> Fish and shellfish.	
tomatoes and tomato products	18587-18590	Shrimp, frozen	18575, 18576
vegetables and vegetable products	18580-18586	Spices, flavors, and seasoning materials	18598-18600
Gruyere cheese	18567	Swiss cheese	18567
Lima beans, dried	18580	Tomato(es), canned	18587, 18588
Mix(es), breading	18563	puree	18589
cookie, pancake, pie crust, and waffle	18562	sauce	18590
		Vegetables. <i>See</i> Fruits and vegetables.	
		Waffle mix	18562

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Accari, Joe:		Burt Grain Co.:	
potatoes	18583	bulk corn	18557
Acciasia, Joe. <i>See</i> Accari, Joe.		Card, L. W.:	
Acciasia, P.:		frozen shrimp	18576
potatoes	18583	Caroline Poultry Farms, Inc.:	
Ashley's, Inc.:		dressed poultry	18597
red chili puree	18600	Colter Corp.:	
Atlantic Wholesale Grocery Co.:		frozen shrimp	18575
flour	18556		

	N. J. No.		N. J. No.
Curtis, Wayne :		Murphy, J. J., Co. :	
fresh blueberries_____	18579	cashew nuts_____	18591
De Luxe Products Co. :		Myer's, Anna, Pure Foods, Inc. :	
pepper salad and olive condite_	18599	sweet peppers_____	18586
Doughnut Corp. of America :		National Peanut Corp. :	
baking mixes _____	18562	shelled peanuts_____	18593
Dumetz, T. A. :		Proflo Division, Traders Oil Mill	
fresh blueberries_____	18578	Co. :.	
Dunnet, C. W., & Co. :		imitation black pepper base__	18598
butter_____	18565	Reece, E. G., Canning Co. :	
Einstoss, S. :		canned pumpkin_____	18584
canned salmon_____	18570	Roberts, Thomas, & Co. :	
Galva Creamery Co. :		canned tomatoes_____	18588
butter_____	18566	Rodda, R. E., Candy Co. :	
Gorton-Pew Fisheries Co., Ltd. :		candy_____	18551
frozen cod fillets_____	18568	Santa Cruz Packing Co. :	
Hakes, J. R., and M. :		canned sardines_____	18571
dried lima beans_____	18580	Sisk, Albert W., & Son :	
Hopewell Canning Co. :		tomato puree_____	18589
canned tomatoes_____	18587	Sokoloff, Morris :	
Howeth, C. W., & Bro. :		dressed poultry_____	18595
oysters_____	18574	Sunflower Coop. Creamery Assn. :	
Hunt Foods, Inc. :		butter_____	18564
tomato sauce_____	18590	Texas Candy & Nut Co. :	
Irvington Fish & Oyster Co.,		candy Easter eggs_____	18552
Inc. :		Thompson, Parker, Wholesale	
oysters_____	18572	Grocery :	
Kaplan Rice Mill, Inc. :		flour _____	18555
rice_____	18560	Wright, J. N., Jr. :	
Kelling Nut Co., Inc. :		tomato puree_____	18589
cashew nuts _____	18592	Yaquina Bay Fish Co. :	
Kornblum, Sam :		frozen ocean perch fillets_____	18569
dressed poultry_____	18595	York River Seafood Co. :	
Landsberger Creamery & Prod-		oysters_____	18573
uce :		Zausner Foods, Inc. :	
dressed poultry_____	18596	pasteurized process blue,	
McNerney & Co. :		Swiss, Gruyere, and Ched-	
fresh blueberries_____	18577-18579	dar cheese_____	18567
Marine Products Co. :			
frozen shrimp_____	18576		



The Primary Source of Administrative Law

The Federal Register publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

**A SAMPLE COPY AND INFORMATION MAY BE OBTAINED
ON REQUEST TO THE FEDERAL REGISTER, NATIONAL
ARCHIVES, WASHINGTON 25, D. C.**

***Order from the Superintendent of Documents, United
States Government Printing Office,
Washington 25, D. C.***

\$1.50 per month



\$15 per year

132NS-

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18601-18650

FOODS

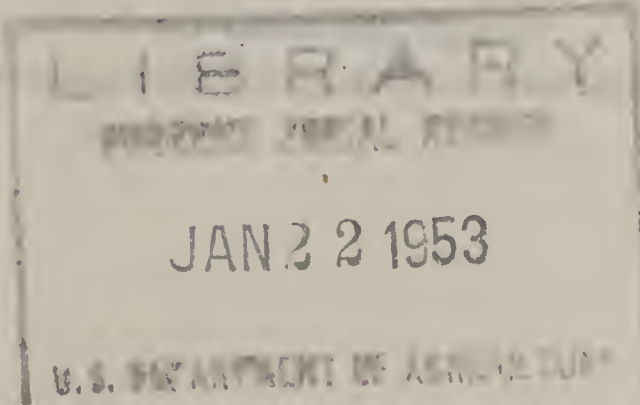
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., *November 21, 1952.*

CONTENTS

	Page		Page
Cereals and cereal products-----	262	Nuts-----	274
Flour-----	262	Poultry-----	275
Macaroni and noodle products--	264	Spices, flavors, and seasoning	
Miscellaneous cereal-----	264	materials-----	277
Fish and shellfish-----	266	Vitamin, mineral, and other prod-	
Fruits and vegetables-----	268	ucts of special dietary signifi-	
Canned fruit-----	268	cance-----	281
Vegetables and vegetable prod-		Index-----	282
ucts-----	270		
Tomatoes and tomato products--	272		

261



CEREALS AND CEREAL PRODUCTS**FLOUR**

Nos. 18601 to 18605 report actions involving flour that was insect- or rodent-infested, or both. The flour reported in **No. 18606** failed to meet the standard for enriched flour.

18601. Adulteration of flour. U. S. v. 633 Bags * * *. (F. D. C. No. 32932. Sample Nos. 35084-L, 35089-L.)

LABEL FILED: April 2, 1952, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about November 8 and December 24, 1951, from Wabasha, Minn.

PRODUCT: 633 50-pound bags of flour at Eau Claire, Wis., in possession of the Roberts Wholesale Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 19, 1952. The Roberts Wholesale Co., claimant, having filed an answer admitting that the product was subject to condemnation, a judgment of condemnation was entered providing for the release of the product under bond for segregation and denaturing, under the supervision of the Food and Drug Administration. 133 bags of the product were found unfit and were used in the manufacture of animal feed.

18602. Adulteration of flour. U. S. v. 99 Bags, etc. (F. D. C. No. 32338. Sample Nos. 15163-L, 15164-L.)

LABEL FILED: January 2, 1952, District of Nebraska.

ALLEGED SHIPMENT: On or about November 8 and 20, 1951, from Minneapolis, Minn.

PRODUCT: 122 100-pound bags of flour at Omaha, Nebr., in possession of the John J. Meier Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent urine, and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 21, 1952. The John J. Meier Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, 62 bags of the product were found unfit and were denatured for use as animal feed.

18603. Adulteration of flour. U. S. v. 79 Bags * * *. (F. D. C. No. 32349 Sample No. 13765-L.)

LABEL FILED: January 7, 1952, District of Idaho.

ALLEGED SHIPMENT: On or about October 31 and November 27, 1951, from Ogden, Utah.

PRODUCT: 79 50-pound bags of flour at Pocatello, Idaho, in possession of the Zion's Wholesale Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 7, 1952. The Zion's Cooperative Mercantile Institution, trading as the Zion's Wholesale Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

18604. Adulteration of flour. U. S. v. 7 Bags, etc. (F. D. C. No. 32292. Sample Nos. 16558-L, 16559-L.)

LIBEL FILED: December 19, 1951, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about September 18, October 10, and November 13, 1951, from McPherson, Kans.

PRODUCT: 26 100-pound bags of flour at Tulsa, Okla., in possession of Joe Hodges Warehouse, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 22, 1952. The Tri-State Distributors, Tulsa, Okla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing, under the supervision of the Food and Drug Administration.

18605. Adulteration of self-rising flour. U. S. v. 305 Bags * * *. (F. D. C. No. 32327. Sample No. 22185-L.)

LIBEL FILED: December 28, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about October 11, 1951, from Chattanooga, Tenn.

PRODUCT: 305 10-pound bags of self-rising flour at Demopolis, Ala., in possession of the Merchants Grocery Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 28, 1952. Default decree of condemnation and destruction.

18606. Adulteration and misbranding of enriched flour. U. S. v. 300 Bags * * *. (F. D. C. No. 32578. Sample No. 22276-L.)

LIBEL FILED: March 10, 1952, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about January 11, 1952, by the Kansas Milling Co., from Cherryvale, Kans.

PRODUCT: 300 10-pound bags of enriched flour at Meridian, Miss.

LABEL, IN PART: "Full Value Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine, riboflavin, and niacin, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since the article contained less than 2.0 mg. of thiamine, less than 1.2 mg. of riboflavin, and less than 16 mg. of niacin in each pound, the minimum amounts permitted by the definition and standard.

DISPOSITION: April 24, 1952. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

18607. Adulteration of egg noodles. U. S. v. 61 Cases * * *. (F. D. C. No. 32619. Sample No. 33301-L.)

LIBEL FILED: January 22, 1952, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about December 20, 1951, by the Home Made Noodle Co., from Chicago, Ill.

PRODUCT: 61 cases, each containing 12 8-ounce bags, of egg noodles at Milwaukee, Wis.

LABEL, IN PART: "Ma Zurkoff 6½ Per Cent Pure Egg Noodles Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 15, 1952. Default decree of condemnation and destruction.

18608. Adulteration of Chinese dried noodles. U. S. v. 4 Cartons, etc. (F. D. C. No. 32612. Sample No. 10471-L.)

LIBEL FILED: January 23, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about December 10, 1951, by the Hong Kong Noodle Co., Inc., from Chicago, Ill.

PRODUCT: 4 10-pound cartons and 16 5-pound cartons of Chinese dried noodles at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 26, 1952. Default decree of condemnation and destruction.

MISCELLANEOUS CEREAL

18609. Adulteration of rice grits. U. S. v. 2,000 Bags * * *. (F. D. C. No. 32840. Sample Nos. 15200-L, 15201-L.)

LIBEL FILED: March 12, 1952. District of Nebraska

ALLEGED SHIPMENT: On or about November 2, 1951, from Woodward's Landing, British Columbia.

PRODUCT: 2,000 100-pound bags of rice grits at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 27, 1952. The Canada Rice Mills, Ltd., Woodward's Landing, British Columbia, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, or that it be converted into animal feed or used in the manufacture of industrial alcohol, under the supervision of the Federal Security Agency. The product subsequently was converted into alcohol.

18610. Adulteration of rice. U. S. v. 90 Cases, etc. (F. D. C. No. 32636. Sample Nos. 13016-L, 13017-L, 14159-L, 14162-L.)

LIBEL FILED: February 12, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about November 20, 1951, from New Orleans, La.

PRODUCT: 294 cases, each containing 30 1-pound bags, and 337 cases, each containing 15 2-pound bags, of rice at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 10, 1952. Rickert, Wessanen & Laan, Inc., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for remilling and reprocessing, under the supervision of the Federal Security Agency. The product under seizure, consisting of approximately 14,700 pounds, was fumigated and otherwise reconditioned. As a result of this operation, 14,120 pounds of the product were released as fit for human consumption; 285 pounds were destroyed as unfit; and 295 pounds of the product were lost during the reconditioning operation.

18611. Adulteration of rice. U. S. v. 109 Bales, etc. (F. D. C. No. 32333. Sample Nos. 22186-L, 22188-L.)

LIBEL FILED: December 29, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about October 23 and November 6 and 20, 1951, from Crowley, La.

PRODUCT: 109 bales, each containing 60 1-pound packages, and 109 bales, each containing 20 3-pound packages, of rice at Demopolis, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 28, 1952. Crawford & Earles, Inc., Crowley, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond

for remilling, under the supervision of the Food and Drug Administration. Approximately 8,820 pounds of the product, which was the amount actually seized, were released to the claimant for remilling. The remilling operations resulted in the loss of approximately 170 pounds of the product and the rejection of about 50 pounds. The rejected portion was destroyed, and 8,600 pounds of the product found to be fit for human consumption were released to the claimant.

FISH AND SHELLFISH

18612. Adulteration of frozen chum salmon. U. S. v. 29,000 Pounds * * *.
(F. D. C. No. 32633. Sample No. 30638-L.)

LIBEL FILED: January 31, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about November 3, 1951, by K. Raatikainen, from Pelican, Alaska.

PRODUCT: 29,000 pounds of frozen chum salmon in 115 boxes at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 18, 1952. K. Raatikainen, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and sorting of the unfit portion, under the supervision of the Federal Security Agency. Segregation operations were attempted but were unsuccessful, and the entire lot was denatured by converting it to fish meal and oil.

18613. Adulteration of frozen salmon. U. S. v. 5,000 pounds, etc. (F. D. C. No. 32632. Sample Nos. 30634-L, 30635-L.)

LIBEL FILED: January 31, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about October 29, 1951, and January 14, 1952, by Western Fishing Co., Ltd., from Vancouver, British Columbia.

PRODUCT: 17,000 pounds of frozen salmon at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: March 6, 1952. The Washington Fish & Oyster Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and sorting of the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, 1,645 pounds of the product were found unfit and were destroyed by grinding into fish meal.

18614. Adulteration of canned clams. U. S. v. 49 Cases * * *. (F. D. C. No. 32589. Sample No. 27661-L.)

LIBEL FILED: January 16, 1952, District of Nevada.

ALLEGED SHIPMENT: On or about November 29, 1951, by G. P. Halferty & Co., from Seattle, Wash.

PRODUCT: 49 cases, each containing 48 7-ounce cans, of clams at Reno, Nev. Examination showed that the product contained an excessive amount of packing medium.

LABEL, IN PART: (Can) "Pioneer Brand Minced Clams."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

DISPOSITION: May 2, 1952. G. P. Halferty & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

18615. Adulteration and misbranding of oysters. U. S. v. 1,248 Cans * * *.
(F. D. C. No. 32174. Sample Nos. 4075-L to 4077-L, incl.)

LIBEL FILED: November 23, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 16, 1951, by C. W. Howeth & Bro., from Crisfield, Md.

PRODUCT: 1,248 cans of oysters at Indianapolis, Ind.

LABEL, IN PART: "Oysters Selects [or "Standards"] 1 Pint H & B Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters purported to be and were represented as oysters standards and oysters selects, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to the definitions and standards. In the preparation of the oysters standards and oysters selects, the total time of contact with water after leaving the shucker, computed as directed by the definitions and standards, was more than 30 minutes. In addition, the oysters described as "selects" were not thoroughly drained; and they were of such size that a gallon contained more than 300 oysters, and a quart of the smallest oysters selected therefrom contained more than 83 oysters. The definitions and standards provide that in the preparation of oysters standards and oysters selects, the total time (computed as therein directed) that such oysters are in contact with water after leaving the shucker is not more than 30 minutes; that oysters selects are thoroughly drained; and that oysters selects are of such size that 1 gallon contains not more than 300 oysters, and a quart of the smallest oysters selected therefrom contains not more than 83 oysters.

DISPOSITION: January 14, 1952. Default decree of forfeiture and destruction.

18616. Adulteration and misbranding of oysters. U. S. v. 800 Cans * * *.
(F. D. C. No. 32328. Sample Nos. 3822-L, 3824-L, 12024-L.)

LIBEL FILED: January 2, 1952, Northern District of Ohio; amended libel filed January 21, 1952.

ALLEGED SHIPMENT: On or about December 24, 1951, by Irvington Packing Co., Inc., from White Stone, Va.

PRODUCT: 800 1/2-pint cans of oysters at Toledo, Ohio.

LABEL, IN PART: "Oysters Selects Old Dominion Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted for oysters; and, Section 402 (b) (4), water had been added to the oysters so as to reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since they were not thoroughly drained; and in the preparation of the oysters, the total time of contact with water, or salt water, after leaving the shucker, computed as directed in the definition and standard, was more than 30 minutes.

DISPOSITION: February 21, 1952. Default decree of condemnation and destruction.

18617. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32441. Sample No. 26193-L.)

LIBEL FILED: January 23, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 14, 1952, by F. F. East, Inc., from Maurice River, N. J.

PRODUCT: 144 cans of oysters at Freeport, Ill.

LABEL, IN PART: (Can) "Oysters Standards NJ One Pint Sailor Boy Brand."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oysters standards in that the article was not thoroughly drained, as prescribed by the definition and standard.

DISPOSITION: April 21, 1952. Default decree of condemnation and destruction.

18618. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32306. Sample No. 3817-L.)

LIBEL FILED: December 19, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 17, 1951, by the Ware River Seafood Co., from Schley, Va.

PRODUCT: 144 cans of oysters at Kingston, Pa.

LABEL, IN PART: "Oysters Standards One Pint Ware River Brand."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "One Pint" was inaccurate. (Examination showed that the article was short of the declared volume.)

DISPOSITION: March 5, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18619. Adulteration of canned mashed bananas. U. S. v. 1,369 Cases * * *. (F. D. C. No. 32454. Sample No. 38006-L.)

LIBEL FILED: January 28, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1949, from Guantanamo, Cuba.

PRODUCT: 1,369 cases, each containing 6 6-pound, 8-ounce cans, of mashed bananas at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 16, 1952. Default decree of condemnation and destruction.

18620. Misbranding of canned peaches. U. S. v. 96 Cases * * *. (F. D. C. No. 31681. Sample No. 1041-L.)

LIBEL FILED: September 14, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 7, 1951, by the Pomona Products Co., from Griffin, Ga.

PRODUCT: 96 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Jacksonville, Fla.

LABEL, IN PART: (Can) "Sunshine Brand Halves Yellow Free Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article failed to meet the requirements for tenderness prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 4, 1951. The Pomona Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18621. Misbranding of canned raspberries. U. S. v. 730 Cases * * *. (F. D. C. No. 22909. Sample No. 64944-H.)

LIBEL FILED: April 9, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about August 28, 1946, by Hunt Foods, Inc., from Puyallup, Wash.

PRODUCT: 730 cases, each containing 24 1-pound, 3-ounce cans, of red raspberries at Hartford, Conn.

LABEL, IN PART: (Can) "Hunt's Supreme Quality Fancy Red Raspberries Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish of whole red raspberries and the label statement "Fancy Red Raspberries Heavy Syrup" were false and misleading as applied to the article, which was not of fancy quality but consisted essentially of disintegrated raspberry material mixed with heavy sirup. The article was alleged to be misbranded in interstate commerce.

DISPOSITION: May 12, 1949. Hunt Foods, Inc., having filed a claim as manufacturer of the product and having consented to the entry of a decree for the reasons mentioned in the libel, and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation was entered. The court ordered that the product be released under bond to be salvaged in such manner as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

On April 4, 1952, Hunt Foods, Inc., having advised that it had no interest in salvaging the product, and no other party having indicated an interest in the matter, an amended decree was entered providing for the destruction of the product.

VEGETABLES AND VEGETABLE PRODUCTS

18622. Adulteration and misbranding of dried beans. U. S. v. 286 Cases * * *
(and 1 other seizure action). (F. D. C. Nos. 32503, 32518. Sample Nos.
4025-L, 4407-L.)

LIBELS FILED: On or about February 6 and 8, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about November 16, and December 5 and 21, 1951, and
January 18, 1952, by Allen V. Smith, Inc., from Greeley, Colo., and Marcellus
Falls, N. Y.

PRODUCT: 356 cases, each containing 24 1-pound packages, of dried beans at
Baltimore, Md.

LABEL, IN PART: (Package) "Smith's Great Northern Beans Selected."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in
whole or in part of a filthy substance by reason of the presence of hardened
clumps of dirt.

Misbranding, Section 403 (a), the label designation "Selected" was false and
misleading as applied to a food containing hardened clumps of dirt.

DISPOSITION: March 14, 1952. Allen V. Smith, Inc., claimant, having consented
to the entry of decrees, judgments of condemnation were entered and the court
ordered that the product be released under bond for reconditioning, under the
supervision of the Federal Security Agency. As a result of the reconditioning
operations, a total of 7,000 pounds of cleaned whole beans and 274 pounds of
split cleaned beans were released to the claimant; and the remainder of the
product, consisting of 31½ pounds, was rejected for use as human food.

18623. Adulteration of bulk corn. U. S. v. 1 Carload * * *. (F. D. C. No.
32655. Sample No. 33125-L.)

LIBEL FILED: February 13, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 31, 1952, by the Porter County Farm,
from Kouts, Ind.

PRODUCT: 1 carload, containing approximately 1,800 bushels, of corn at Chicago,
Ill. Examination showed that the bottom fifth of the car contained sour and
heat-damaged corn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in
whole or in part of a decomposed substance by reason of the presence of sour
corn, and it was otherwise unfit for food by reason of the presence of heat-
damaged corn.

DISPOSITION: February 19, 1952. Porter County Farm Bureau Cooperative
Assn., Inc., Kouts, Ind., claimant, having consented to the entry of a decree,
judgment of condemnation was entered and the court ordered that the product
be released under bond for conversion into stock feed, under supervision of the
Federal Security Agency.

On March 3, 1952, an amended decree was entered, pursuant to which the
court ordered that the product be destroyed or distilled, or converted into com-
mercial products or alcohol, under the supervision of the Federal Security
Agency.

18624. Adulteration of lettuce. U. S. v. 323 Crates * * *. (F. D. C. No. 32326.
Sample No. 17484-L.)

LIBEL FILED: December 26, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about December 12, 1951, by the Bodine Produce Co., from Phoenix, Ariz.

PRODUCT: 323 crates, each containing 48 heads, of lettuce at Geneva, N. Y. Examination showed that the product contained an excessive amount of spray residues consisting in part of a chemical containing fluorine in combination with other elements.

LABEL, IN PART: "All-Vita Brand Lettuce Packed and Shipped by Apache Distributors Phoenix, Arizona."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, a chemical containing fluorine in combination with other elements, which may have rendered the article injurious to health.

DISPOSITION: January 10, 1952. The consignor and owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

18625. Adulteration of canned mustard greens. U. S. v. 22 Cases * * *.
(F. D. C. No. 32264. Sample No. 29630-L.)

LIBEL FILED: December 13, 1951, Western District of Washington.

ALLEGED SHIPMENT: August 1, 1951, by the Good Canning Co., from Fort Smith, Ark.

PRODUCT: 22 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Seattle, Wash.

LABEL, IN PART: (Can) "Dependable Brand * * * Fancy Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: March 24, 1952. Default decree of condemnation and destruction.

18626. Adulteration of dried green split peas. U. S. v. 14 Bags * * *.
(F. D. C. No. 32440. Sample No. 27435-L.)

LIBEL FILED: January 24, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about June 14, 1951, from Spokane, Wash.

PRODUCT: 14 100-pound bags of dried green split peas at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect-infested. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 22, 1952. Default decree of condemnation and destruction.

18627. Misbranding of stuffed olives. U. S. v. 22 Cases, etc. (F. D. C. No. 32456.
Sample Nos. 26668-L, 26669-L.)

LIBEL FILED: January 25, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 2 and 30, 1951, by Epicure Specialties, from New York, N. Y.

PRODUCT: 22 cases, each containing 24 jars, of Roquefort stuffed olives, and 17 cases, each containing 24 jars, of Cheddar stuffed olives at Philadelphia, Pa.

LABEL, IN PART: (Jar) "Mar-Se Roquefort Stuffed Cocktail Olives Drained Weight 3½ Ozs." and "Mar-Se Cheddar Stuffed Cocktail Olives Drained Weight 3½ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Drained Weight 3½ Ozs." was inaccurate. (Examination showed that the articles were short of the declared weight.)

DISPOSITION: May 29, 1952. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

18628. Adulteration of canned sauerkraut. U. S. v. 96 Dozen Cans * * *
(F. D. C. No. 32853. Sample No. 8348-L.)

LIBEL FILED: March 8, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about February 17, 1950, from Indianapolis, Ind.

PRODUCT: Sauerkraut. 96 dozen 1-pound, 11-ounce cans of the product at Oswego, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1952. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18629. Adulteration and misbranding of canned tomatoes. U. S. v. 381 Cases * * *. (F. D. C. No. 32353. Sample No. 35277-L.)

LIBEL FILED: January 4, 1952, District of North Dakota.

ALLEGED SHIPMENT: On or about October 8, 1951, by the Westwood Canning Co., from New Castle, Ind.

PRODUCT: 381 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Fargo, N. Dak.

LABEL, IN PART: (Can) "Wizdom Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations; and its labeling failed to bear, as required by the regulations, the name of the optional ingredient, namely, calcium salt or calcium salts, present in the article.

DISPOSITION: April 17, 1952. Default decree of condemnation and destruction.

18630. Adulteration of tomato juice. U. S. v. 5 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 32597, 32598. Sample Nos. 33291-L, 33296-L.)

LIBELS FILED: January 16, 1952, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 12 and 14, 1951, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 372 cases, each containing 48 5½-ounce cans, of tomato juice at Milwaukee, Wis.

LABEL, IN PART: (Can) "Sacramento Brand California Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 21, 1952. Default decrees of condemnation and destruction.

18631. Adulteration of tomato paste. U. S. v. 1,046 Cases, etc. (F. D. C. No. 32492. Sample Nos. 24900-L to 24904-L, incl.)

LIBEL FILED: February 6, 1952, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 18, 25, and 26, and May 15, 1951, by Flotill Products, Inc., from Jersey City, N. J., and New York, N. Y.

PRODUCT: 1,046 cases, each containing 6 10-pound cans, and 4,198 cases, each containing 6 10-pound cans or 6 9-pound, 15-ounce cans, of tomato paste at New Cumberland, Pa.

LABEL, IN PART: (Cans) "Doppio Concentrato Tomato Paste," "Tomato Paste Debar Brand," "Double Concentrated Tomato Paste," "La Romanella Brand Tomato Paste," or "Francesco Spinelli Africanella Tomato Paste With Basil Leaf."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 5, 1952. Default decree of condemnation and destruction.

18632. Adulteration of tomato paste. U. S. v. 1,468 Cases * * *. (F. D. C. No. 32469. Sample No. 24899-L.)

LIBEL FILED: On or about January 31, 1952, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 2, 1951, by Bertman Food Products, from New York, N. Y.

PRODUCT: 1,468 cases, each containing 10 cans, of tomato paste at New Cumberland, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: On June 1, 1952, Bertman Food Products filed a "disclaimer" in which it disclaimed having any interest whatsoever in the suit and denied that it had shipped the product in interstate commerce, stating that the U. S. Government was the shipper. It denied further that the article was adulterated when introduced into interstate commerce and that the court had jurisdiction over the proceedings.

A motion was filed by the Government to strike the "disclaimer" and to enter a default decree pursuant to the prayer of the libel. On July 16, 1952, the Government's motion came on for hearing, and after due consideration, the court ordered that the motion to strike be allowed and that the disclaimer be stricken. On July 17, 1952, the court entered an order providing for condemnation and destruction of the product.

18633. Adulteration of tomato paste. U. S. v. 899 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32419, 32423. Sample Nos. 22990-L, 23409-L.)

LIBELS FILED: January 12 and 14, 1952, Northern District of New York and District of New Jersey.

ALLEGED SHIPMENT: On or about April 20 and June 18, 1951, by Merchants Trading Co., Inc., from Hoboken, N. J., and New York, N. Y.

PRODUCT: 1,313 cases, each containing 6 cans, of tomato paste at Bayonne, N. J., and South Schenectady, N. Y.

LABEL, IN PART: (Can) "La Valtrebbia 'Oro' Brand Italian Tomato Paste Packed In Italy Net Weight 9 lb. 14 oz. ab" and "L. Pago & C. Double Concentrated Tomato Paste Grown and Packed in Italy Net Weight 9 Lbs. 15 Ozs. La Salernitana Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 19 and June 12, 1952. Default decrees of condemnation and destruction.

18634. Adulteration of tomato paste. U. S. v. 575 Cases * * *. (F. D. C. No. 32428. Sample Nos. 1381-L, 1852-L.)

LIBEL FILED: On or about January 10, 1952, Northern District of Georgia; libel mended on January 28, 1952.

ALLEGED SHIPMENT: On or about May 25, 1951, by Stern Morgenthau & Co., Inc., from New York, N. Y.

PRODUCT: 575 cases of tomato paste at Atlanta, Ga.

LABEL, IN PART: (Can) "Tomato Paste Made in Hungary 160½ Oz. Net Golden Pheasant" or "High Concentrated Hungarian Tomato Paste Contents 160½ Oz. Net Globus."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 26, 1952. Default decree of condemnation and destruction.

18635. Adulteration of tomato puree. U. S. v. 98 Cases * * *. (F. D. C. No. 32372. Sample No. 26095-L.)

LIBEL FILED: December 20, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 26, 1951, by the Poggioli Canning Corp., from East Vineland, N. J.

PRODUCT: 98 cases, each containing 6 6-pound, 6-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: (Can) "Poggioli Brand Whole Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 30, 1952. Default decree of condemnation and destruction.

NUTS

18636. Adulteration of unshelled almonds. U. S. v. 33 Bags * * *. (F. D. C. No. 32411. Sample No. 9623-L.)

LIBEL FILED: January 14, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 5, 1951, by the Continental Nut Co., from Chico, Calif.

PRODUCT: 33 80-pound bags of unshelled almonds at Chicago, Ill.

LABEL, IN PART: "Blue Ribbon Brand California Almonds."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested almonds, and it was otherwise unfit for food by reason of the presence of gummy and shriveled nuts.

DISPOSITION: February 25, 1952. The Continental Nut Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, 142 pounds of nuts were found unfit and were destroyed by feeding them to animals.

18637. Adulteration of brazil nuts. U. S. v. 124 Bags * * *. (F. D. C. No. 32337. Sample Nos. 16976-L, 17696-L.)

LIBEL FILED: January 7, 1952, Southern District of California.

ALLEGED SHIPMENT: From Brazil. The date of shipment is unknown.

PRODUCT: 124 100-pound bags of brazil nuts at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 25, 1952. Venus Foods, Inc., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The reconditioning operation resulted in the segregation and denaturing of 2,041 pounds of the product as unfit.

18638. Adulteration of brazil nuts. U. S. v. 2 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 32309, 32310. Sample Nos. 13962-L, 13965-L.)

LIBELS FILED: December 21, 1951, and January 2, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about November 5 and 6, 1951, by Hudson House, Inc., from Portland, Oreg.

PRODUCT: 2 100-pound bags, 24 100-pound bags, and 29 20-pound bags of brazil nuts at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed nuts.

DISPOSITION: February 15 and 18, 1952. Default decrees of condemnation and destruction. On February 26, 1952, an amended decree was entered against the 24-bag lot and the 29-bag lot, pursuant to which the court ordered that they be delivered to a Federal institution, to be used for animal feed. The 2-bag lot was destroyed.

POULTRY

18639. Adulteration of dressed poultry. U. S. v. 30 Boxes * * *. (F. D. C. No. 32348. Sample No. 8167-L.)

LIBEL FILED: January 2, 1952, Western District of New York.

ALLEGED SHIPMENT: In or about October 8, 1951, by Hallren Produce, Chicago, Ill.

PRODUCT: 30 boxes, each containing 12 head, of dressed poultry at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight.

DISPOSITION: January 28, 1952. The Hallren Poultry & Creamery Co., Fairview, Okla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product involved in the above-mentioned libel proceedings and the product involved in the cases reported in the following notice of judgment, No. 18640, were examined together. A total of 1,348 pounds of poultry was found unfit and was destroyed.

18640. Adulteration of frozen dressed poultry. U. S. v. 300 Crates * * *
(and 1 other seizure action). (F. D. C. Nos. 32122, 32307. Sample Nos. 7268-L, 7272-L.)

LIBELS FILED: November 23 and December 20, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about July 21 and August 9, 1951, by the Hallren Poultry & Creamery Co., from Fairview, Okla.

PRODUCT: 300 crates, each containing 12 head, and 15 boxes, each containing 24 head, of frozen dressed poultry at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water which subsequently was changed to ice had been added to the article and packed with it so as to increase its bulk or weight. (Examination disclosed that the birds were covered with a coating of ice. Each bird was packaged in a plastic bag.)

DISPOSITION: December 11, 1951, and January 28, 1952. The Hallren Poultry & Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product involved in the above-mentioned libel proceedings and the product involved in the case reported in the preceding notice of judgment, No. 18639, were examined together. A total of 1,348 pounds of poultry was found unfit and was destroyed.

18641. Adulteration of dressed poultry. U. S. v. 40 Boxes, etc. (F. D. C. Nos. 32607, 32608. Sample Nos. 2846-L, 2847-L.)

LIBEL FILED: January 21, 1952, Western District of Virginia.

ALLEGED SHIPMENT: On or about January 14, 1952, by the Farmers Mutual Poultry Dept., from Durham, N. C.

PRODUCT: Dressed poultry. 58 boxes, each containing 25 birds, 3 boxes, each containing 10 birds, and 5 barrels, each containing 60 birds, at Roanoke and Lynchburg, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of crop, gizzard, and intestinal material.

DISPOSITION: March 18, 1952. The Central Carolina Farmers Exchange, Inc., of Durham, N. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Federal Security Agency. The product was inspected and cleaned, and 54 birds were rejected and destroyed as unsuitable for salvage.

18642. Misbranding of chicken. U. S. v. 69 Cartons * * *. (F. D. C. No. 32325. Sample No. 27668-L.)

LIBEL FILED: December 27, 1951, District of Nevada.

ALLEGED SHIPMENT: On or about November 1, 1951, by Chil-Chick, from Hayward, Calif.

PRODUCT: 69 1-pound, 14-ounce cartons of chicken at Reno, Nev. Examination showed that the product was not pheasant as labeled.

LABEL, IN PART: "Pheasant-Chicken."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Pheasant-Chicken" was false and misleading as applied to birds which were not pheasants.

DISPOSITION: January 28, 1952. Default decree of condemnation. The court ordered that the product be delivered to a State institution.

18643. Misbranding of chicken. U. S. v. 31 Cartons * * *. (F. D. C. No. 32324. Sample Nos. 27665-L, 27666-L.)

LIBEL FILED: December 27, 1951, District of Nevada.

ALLEGED SHIPMENT: On or about November 20 and December 7 and 11, 1951, by the Meat Department, Safeway Stores, from San Francisco, Calif.

PRODUCT: 31 2-pound, 1-ounce cartons of chicken at Reno, Nev. Examination showed that the product was not pheasant as labeled.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Pheasant-Chicken" was false and misleading as applied to birds which were not pheasants.

DISPOSITION: January 28, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

18644. Adulteration and misbranding of horseradish. U. S. v. 57 Cases * * * (and 2 other seizure actions). Tried to the court. Judgment for the Government. Decree of condemnation and destruction. (F. D. C. Nos. 28541, 30130, 30137. Sample Nos. 63214-K, 69437-K, 84772-K.)

LIBELS FILED: January 23, 1950, and November 14 and 16, 1950, District of Massachusetts, Western District of Pennsylvania, and Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 17, 1949, and October 19, 1950, by the Bronx Home Food Products, from New York, N. Y.

PRODUCT: 106 cases, each containing 12 6-ounce jars, of horseradish at Boston, Mass., Pittsburgh, Pa., and Cincinnati, Ohio. Examination showed that the product consisted of grated parsnip roots artificially flavored to simulate horseradish.

LABEL, IN PART: (Jar) "Premier Horse Radish."

NATURE OF CHARGE: The article was alleged to be adulterated and misbranded as indicated in the findings of fact set forth below.

DISPOSITION: The libel proceedings having been consolidated on December 14, 1950, pursuant to an order by the United States District Court for the District of Massachusetts, and the Bronx Home Food Products, claimant, having filed an answer denying that the product was adulterated or misbranded, the case came on for trial before the court without a jury on November 29, 1951. The trial was concluded on November 30, 1951, at the close of the Government's testimony, when it was announced that there would be no testimony offered by the claimant.

On December 19, 1951, the court handed down the following findings of fact and conclusions of law:

FORD, *District Judge*: "The above entitled cases were consolidated for trial by order of this Court and were presented to the undersigned Judge of this Court at the Federal Courts Building, Boston, Massachusetts, on November 29 and 30, 1951, upon a trial on the Merits.

"The United States of America was represented by George F. Garrity, United States Attorney for the District of Massachusetts, by Alfred G. Malagodi, Assistant United States Attorney for the District of Massachusetts, and Joseph L. Maguire, Attorney, Federal Security Agency, Washington, D. C.

"The claimant, Bronx Home Food Products, was represented by Michael F. Fahey.

"On the files, records, exhibits, evidence, the testimony of witnesses for the United States of America, libelant, cross-examination thereof by claimant's counsel, the claimant having declined to present testimony in its own behalf, the Court does hereby make the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

I

"These proceedings were brought under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et. seq.).

II

"The goods libeled in the first above case had been shipped in interstate commerce, as alleged in the libel, from New York, New York, to Boston, Massachusetts, where they were seized pursuant to 21 U. S. C. 334; the goods libeled in the second above case had been shipped in interstate commerce, as alleged in the libel, from New York, New York, to Pittsburgh, Pennsylvania, where they were seized pursuant to 21 U. S. C. 334; the goods libeled in the third above case had been shipped in interstate commerce, as alleged in the libel, from New York, New York, to Cincinnati, Ohio, where they were seized pursuant to 21 U. S. C. 334. In each case the libel alleged the article to be adulterated within the meaning of 21 U. S. C. 342 (b) (2) and (4), and misbranded within the meaning of 21 U. S. C. 343 (a).

III

"Bronx Home Food Products, New York, New York, intervened in each of the proceedings as claimant and owner, and filed an Answer denying the charges of adulteration and misbranding, that is, whether the goods seized were adulterated when introduced into and while in interstate commerce, within the meaning of 21 U. S. C. 342 (b) (2) in that grated parsnip roots, artificially flavored to simulate horseradish, had been substituted wholly or in part for horseradish and 342 (b) (4) in that artificial flavor had been added thereto and mixed and packed therewith so as to make it appear better or of greater value than it is; and misbranded within the meaning of 21 U. S. C. 343 (a) in that the labeled statement 'Horse Radish Made from selected Horseradish Roots' is false and misleading as applied to an article consisting of grated parsnip roots, artificially flavored to simulate horseradish.

IV

"The anatomical structure of plants vary. A microscopist acquainted with the structure of plant cells can differentiate between the structure of horseradish cells and parsnip cells by the use of a microscope.

V

"The anatomical structure of horseradish root differs from that of parsnip root in that the individual cork cells of horseradish are smaller than those of parsnip and are arranged in a different pattern; stone cells are present in the tissue immediately below the cork of horseradish, whereas, stone cells are absent in parsnip; the contour of the starch grains of horseradish are ovoid, spherical and smooth whereas those of parsnip are angular; when treated with a clarifying agent and a staining material, oil droplets are readily observable in the tissue adjacent to parsnip vessels whereas such are lacking in horseradish; the tracheids, or conducting vessels, of horseradish and parsnip, differ in the ratio of the length to the width in each.

VI

"Microscopic examination of samples taken from each of the three shipments involved herein disclosed the presence of grated parsnip root and horseradish root.

VII

"Allyl isothiocyanate is a synthetic material which has the taste and smell of horseradish and is commonly used to flavor horseradish products and was present in each of said articles.

VIII

"Spectrophotometry is the science of identifying matter by means of a device called a spectrophotometer. Determinations are made based on the measurement of the absorption of light of the material under investigation. There are different types of spectrophotometers, one of which employs the infra-red region of the spectrum, a portion invisible to the human eye. When a substance is thus examined by infra-red rays, the calculations are made by the device which automatically records the measurements on a graph. Every substance when so measured has its own characteristic curve. Different substances do not register the same curve.

IX

"Infra-red spectrophotometry employing such a device has been in use for about ten years and is accepted as a scientific means appropriate for the accurate detection or identification of substances. As each substance has its own characteristic curve and may be identified thereby, it is sometimes called the fingerprint method of identification. Its application is akin to the identification of humans by means of their fingerprints.

X

"Spectrophotometric measurements in the infra-red region of the spectrum were made of the oil distilled from authentic horseradish root, from authentic parsnip root and of allyl isothiocyanate and of the oil distilled from samples taken from each of the three shipments involved.

XI

"The curves for the oil from the horseradish root, from the parsnip root and for the allyl isothiocyanate were characteristic of each and significantly varied one from the others. The curves for the oils from each of the three samples were practically identical and significantly characteristic of the curve of the oil from parsnip. The spectrophotometric examination thus showed that the articles under seizure were composed in large part of grated parsnip root, as much as 90% in one of the articles.

CONCLUSIONS OF LAW

I

"This Court has jurisdiction of the subject matter and the parties herein, pursuant to 21 U. S. C. 301 et. seq.

II

"The jars labeled in part 'Premier Horseradish,' involved in the three above styled cases, are articles of food within the meaning of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et. seq.).

III

"The articles of food, involved herein, were shipped in interstate commerce by Bronx Home Food Products as alleged in each of the libels.

IV

"The article of food in the first styled case was seized at Boston, Massachusetts; in the second, at Pittsburgh, Pennsylvania; in the third, at Cincinnati, Ohio.

V

"The article of food involved in each of the above styled cases was adulterated when introduced into and while in interstate commerce within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U. S. C. as follows:

342 (b) (2) in that grated parsnip roots, artificially flavored to simulate horseradish, has been substituted wholly or in part for horseradish; and
• 342 (b) (4) in that artificial flavor has been added thereto and mixed and packed therewith so as to make it appear better or of greater value than it is.

VI

"The article of food involved in each of the above styled cases was misbranded when introduced into and while in interstate commerce within the meaning of said act, 21 U. S. C. 343 (a) in that the label statement 'Horse Radish Made from Selected Horseradish Roots' is false and misleading as applied to an article consisting of grated parsnip roots, artificially flavored to simulate horseradish.

VII

"The prayer in each libel for condemnation of the article seized is sustained and a decree of condemnation may be entered against the seized articles, with costs, fees and other proper expenses taxed against the claimant and awarded to the libelant.

"Libelant may prepare a proposed decree in accordance with the foregoing."

On December 19, 1951, a decree of condemnation was entered and the court ordered that the product be destroyed.

18645. Adulteration of spices. U. S. v. 1 Bag, etc. (F. D. C. No. 32673. Sample Nos. 21171-L, 21172-L, 21248-L to 21250-L, incl.)

LIBEL FILED: February 18, 1952, Western District of Texas.

ALLEGED SHIPMENT: During January, March, May, and June 1951, from Gloster, Miss., and New York and Brooklyn, N. Y.

PRODUCT: 1 100-pound bag of chili peppers, 6 200-pound bags of whole nutmegs, 2 70-pound bags of ginger root, 2 100-pound bags of spice and seed mixture, and 5 75-pound bags of dried red peppers at San Antonio, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of insects.

The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 2, 1952. Default decree of forfeiture and destruction.

18646. Adulteration of chili peppers. U. S. v. 2 Bags * * *. (F. D. C. No. 32440. Sample No. 27110-L.)

LIBEL FILED: January 24, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about October 3, 1950, from Laredo, Tex.

PRODUCT: 2 100-pound bags of chili peppers at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect webbing and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 22, 1952. Default decree of condemnation and destruction.

18647. Adulteration of ground oregano. U. S. v. 3 Drums * * *. (F. D. C. No. 32836. Sample No. 15742-L.)

LIBEL FILED: March 10, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 15, 1952, by Griffith Laboratories, from Chicago, Ill.

PRODUCT: 3 250-pound drums of ground oregano at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs; and, Section 402 (b) (2), sand had been substituted in part for oregano.

DISPOSITION: April 18, 1952. Default decree of destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

18648. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 261 Cases * * *. (F. D. C. No. 32256. Sample Nos. 21129-L, 21130-L.)

LIBEL FILED: November 29, 1951, Western District of Texas.

ALLEGED SHIPMENT: During 1945 or the early part of 1946, from Cleveland, Ohio.

PRODUCT: Vitamin B complex capsules. 221 cases, each containing 24 30-capsule bottles, and 40 cases, each containing 48 30-capsule bottles, at San Antonio, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statements "Each capsule contains Vitamin B₁ (Thiamin Chloride) 1.50 mg. (500 USP Units)" were false and misleading as applied to an article which contained less than 1.50 mg. of vitamin B₁.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 4, 1952. Default decree of forfeiture and destruction.

*See also No. 18606.

18649. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 41 Cases * * *. (F. D. C. No. 32208. Sample No. 18291-L.)

LIBEL FILED: December 5, 1951, District of Arizona.

ALLEGED SHIPMENT: On or about April 1, 1951, from California.

PRODUCT: 41 cases, each containing 12 1000-capsule bottles, of vitamin B complex capsules at Phoenix, Ariz.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁ (thiamine), had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each contains not less than Thiamine Hydrochloride (B₁) 1.0 mgm. * * * Each compressed capsule contains the minimum adult daily requirement of Thiamine" was false and misleading since the article contained less than one mg. of vitamin B₁.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 29, 1952. Default decree of condemnation and destruction.

18650. Misbranding of d-alpha-tocopheryl acetate capsules. U. S. v. 139 Bottles * * *. (F. D. C. No. 32022. Sample No. 9907-L.)

LIBEL FILED: November 23, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 5, 1951, by the Gelatin Products Division, R. P. Scherer Corp., from Detroit, Mich.

PRODUCT: 139 100-capsule bottles of d-alpha-tocopheryl acetate capsules at Chicago, Ill.

RESULTS OF INVESTIGATION: The product was shipped in bulk and, upon receipt by the consignee, was repacked into bottles.

LABEL, IN PART: (Bottle) "100 No. 709 Vim-EE Capsules Each capsule contains d-alpha Tocopheryl Acetate (from vegetable oils) equivalent by biological assay to 50 International Units Vitamin E."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be a food for special dietary uses, and its label failed to bear such information concerning its vitamin content as the Federal Security Administrator has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since the label failed to bear a statement that the need for vitamin E in human nutrition has not been established.

The article, together with certain other articles of drug, was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3747.

DISPOSITION: April 1, 1952. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18601 TO 18650

PRODUCTS

	N. J. No.		N. J. No.
Almonds, unshelled	18636	Brazil nuts	18637, 18638
alpha-tocopheryl, d-, acetate capsules	18650	Cereals and cereal products	18601-18611
Bananas, mashed, canned	18619	Chili peppers	18645, 18646
Beans, dried	18622	Chum salmon, frozen	18612

	N. J. No.		N. J. No.
Clams, canned	18614	Olives, stuffed	18627
Corn, bulk	18623	Oregano, ground	18647
d-alpha-tocopheryl acetate capsules	18650	Oysters	18615-18618
Enriched flour	18606	Peaches, canned	18620
Fish and shellfish	18612-18618	Peas, green split, dried	18626
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Peppers, chili	18645, 18646
Flour	18601-18606	red, dried	18645
Fruits and vegetables	18619-18635	Poultry	18639-18643
fruit, canned	18619-18621	Raspberries, canned	18621
tomatoes and tomato products	18629-18635	Rice	18610, 18611
vegetables and vegetable products	18622-18628	grits	18609
Ginger root	18645	Salmon, chum, frozen	18612
Greens, mustard, canned	18625	frozen	18613
Grits, rice	18609	Sauerkraut, canned	18628
Horseradish	¹ 18644	Self-rising flour	18605
Lettuce	18624	Shellfish. <i>See</i> Fish and shellfish.	
Macaroni and noodle products	18607, 18608	Spices, flavors, and seasoning materials	¹ 18644-18647
Mustard greens, canned	18625	Tomato (es), canned	18629
Noodles. <i>See</i> Macaroni and noodle products.		juice	18630
Nutmegs, whole	18645	paste	18631-18634
Nuts	18636-18638	puree	18635
		Vegetables. <i>See</i> Fruits and vegetables.	
		Vitamin, mineral, and other products of special dietary significance	18606, 18648-18650

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Apache Distributors:		Flotill Products, Inc.:	
lettuce	18624	tomato paste	18631
Bercut-Richards Packing Co.:		Good Canning Co.:	
tomato juice	18630	canned mustard greens	18625
Bertman Food Products:		Griffith Laboratories:	
tomato paste	18632	ground oregano	18647
Bodine Produce Co.:		Halferty, G. P., & Co.:	
lettuce	18624	canned clams	18614
Bronx Home Food Products:		Hallren Poultry & Creamery Co.:	
horseradish	¹ 18644	frozen dressed poultry	18640
Chil-Chick:		Hallren Produce:	
chicken	18642	dressed poultry	18639
Continental Nut Co.:		Hodges, Joe, Warehouse, Inc.:	
unshelled almonds	18636	flour	18604
East, F. F., Inc.:		Home Made Noodle Co.:	
oysters	18617	egg noodles	18607
Epicure Specialties:		Hong Kong Noodle Co., Inc.:	
stuffed olives	18627	Chinese dried noodles	18608
Farmers Mutual Poultry Dept.:		Howeth, C. W., & Bro.:	
dressed poultry	18641	oysters	18615

¹ (18644) Seizure contested. Contains findings of fact and conclusions of law.

	N. J. No.		N. J. No.
Hudson House, Inc.:		Roberts Wholesale Co.:	
brazil nuts-----	18638	flour-----	18601
Hunt Foods, Inc.:		Safeway Stores, Meat Department:	
canned raspberries-----	18621	chicken-----	18643
Irvington Packing Co., Inc.:		Scherer, R. P., Corp., Gelatin	
oysters-----	18616	Products Div.:	
Kansas Milling Co.:		d-alpha-tocopheryl acetate cap-	
enriched flour-----	18606	sules-----	18650
Meier, John J., Co.:		Smith, Allen V., Inc.:	
flour-----	18602	dried beans-----	18622
Merchants Grocery Co., Inc.:		Stern Morgenthau & Co., Inc.:	
self-rising flour-----	18605	tomato paste-----	18634
Merchants Trading Co., Inc.:		Ware River Seafood Co.:	
tomato paste-----	18633	oysters-----	18618
Poggioli Canning Corp.:		Western Fishing Co., Ltd.:	
tomato puree-----	18635	frozen salmon-----	18613
Pomona Products Co.:		Westwood Canning Co.:	
canned peaches-----	18620	canned tomatoes-----	18629
Porter County Farm:		Zion's Wholesale Grocery Co.:	
bulk corn-----	18623	flour-----	18603
Raatikainen, K.:			
frozen chum salmon-----	18612		

32NF

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18651-18700

FOODS

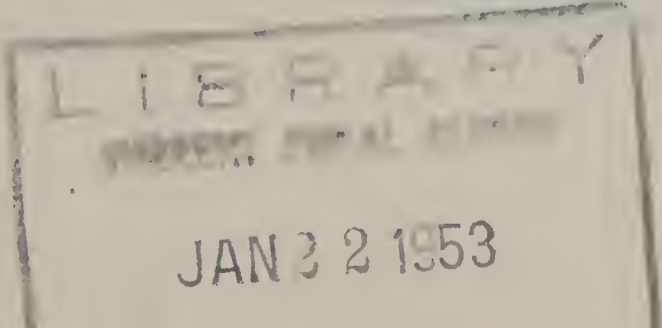
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 1, 1952.*

CONTENTS

	Page		Page
Beverage and beverage material	286	Fish and shellfish	296
Candy, sirup, and sugar	287	Fruits and vegetables	297
Candy	287	Canned fruit	297
Sirup	287	Dried fruit	297
Sugar	288	Frozen fruit	298
Cereals and cereal products	288	Vegetables	298
Bakery products	288	Tomatoes and tomato products	299
Flour	289	Meat and poultry	300
Miscellaneous cereals and cereal products	290	Nuts	302
Dairy products	292	Spices, flavors, and seasoning materials	303
Butter	292	Vitamin, mineral, and other products of special dietary significance	304
Cheese	294	Index	305
Miscellaneous dairy products	294		
Feeds	295		



BEVERAGE AND BEVERAGE MATERIAL

18651. Adulteration and misbranding of Fresh-A orange drink. U. S. v. 294 Cases * * *. (F. D. C. No. 28729. Sample No. 63392-K.)

LIBEL FILED: February 17, 1950, District of Maine.

ALLEGED SHIPMENT: On or about January 9, 1950, by Lincoln Foods, Inc., from Lawrence, Mass.

PRODUCT: 294 cases, each containing 6 jugs, of Fresh-A orange drink at Waterville, Maine. Examination showed that the product was diluted orange juice containing not more than 50 percent of orange juice and about $\frac{1}{3}$ of the vitamin C present in orange juice.

LABEL, IN PART: (Jug) "Fresh-A Orange A Vitamin Drink * * * Fresh-A Juice Co. * * * Lawrence, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of water, citric acid, orange pulp, orange oil, and sugar had been substituted for orange juice, which the article purported and was represented to be; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

Misbranding, Section 403 (a), the design of a cut orange and the statements on the bottle label "Fresh-A Orange A Vitamin Drink * * * Fresh-A Juice Co. * * * To the natural strength orange juice there has been added concentrated juice containing oils and minerals of tree ripened California oranges, water, pure cane sugar, citric acid, Vitamin C" were false and misleading. The design and the statements represented and suggested that the article was a superior type of orange juice providing, in addition to the natural nutritive value of orange juice, vitamin C and the nutritive value of concentrated orange juice. The article contained not more than 50 percent of orange juice and less vitamin C than orange juice.

Further misbranding, Section 403 (a), certain statements in accompanying circulars entitled "For Year Round Health," which were shipped with the article, were false and misleading. The statements represented and suggested that the article was superior to orange juice in nutritive value; that it was effective in building strong, healthy bodies, teeth, and gums, and in building up resistance to colds and other respiratory infections; and that it was effective in maintaining the normal bowel activity in adults and children. The article was not superior to orange juice in nutritive value, but was inferior, and it was not effective for the purposes stated and implied.

DISPOSITION: March 1, 1950. The Fresh-A Juice Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18652. Adulteration of coffee concentrate. U. S. v. 250 Cases * * *. (F. D. C. No. 32859. Sample No. 36060-L.)

LIBEL FILED: March 10, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 30, 1951, from Dubuque, Iowa.

PRODUCT: 250 cases, each containing 24 6-ounce bottles, of coffee concentrate at Hamilton, Ohio. Examination showed that the product was undergoing progressive decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 16, 1952. Default decree of condemnation and destruction.

CANDY, SIRUP, AND SUGAR

CANDY

18653. Adulteration of candy. U. S. v. Original Allegretti, Inc., and Bernard D. Garfinkel. Pleas of guilty. Each defendant fined \$200, plus costs. (F. D. C. No. 31588. Sample Nos. 9144-L, 9146-L to 9148-L, incl., 10013-L, 32939-L, 32941-L, 32943-L.)

INFORMATION FILED: April 25, 1952, Northern District of Illinois, against Original Allegretti, Inc., Chicago, Ill., and Bernard D. Garfinkel, president.

ALLEGED SHIPMENT: On or about September 6, 18, and 19, 1951, from the State of Illinois into the States of Indiana and Wisconsin.

LABEL, IN PART: "Old Fashioned Bittersweet Chocolate Creams," "Famous Chocolate Creams," "Hand Rolled Hand Dipped Milk and Dark Assorted Chocolates," "Fiesta Sweets," "Milk and Bittersweet Chocolates," "Summer Sweets," "Tri Assortment," and "Assorted Milk Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 29, 1952. Pleas of guilty having been entered, the court fined each defendant \$200, plus costs.

SIRUP

18654. Adulteration and misbranding of sirup. U. S. v. 98 Tins, etc. (F. D. C. No. 30494. Sample No. 76496-K.)

LIBEL FILED: January 29, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 1, 1950, by Jerold D. Lansaw, from Joplin, Mo.

PRODUCT: 98 ½-gallon unlabeled tins of sirup at Benton, Ark., together with approximately 100 labels reading, in part: "Pride of Arkansas Sorghum Made of cane products Made for and sold by Roy Lansaw and Son DeQueen, Arkansas Weight 4½ Lbs."

Examination showed that the product was sirup containing sucrose (sugar) and glucose (corn sirup).

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing glucose and sugar had been substituted in whole or in part for sorghum sirup, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the article was fabricated from two or more ingredients,

and it failed to bear a label stating the common or usual name of each ingredient.

DISPOSITION: March 10, 1951. Default decree of condemnation. The court ordered that the labels be destroyed and that the product be delivered to a State hospital, for consumption by the inmates.

SUGAR

18655. Adulteration of sugar. U. S. v. 10,000 Bags, etc. (F. D. C. No. 32457. Sample Nos. 3428-L, 3429-L.)

LIBEL FILED: On or about January 24, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about May 15, 1951, from Sagua la Grande, Cuba.

PRODUCT: 18,000 100-pound bags of sugar at Baltimore, Md., in possession of the Baltimore & Ohio Railroad Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 13, 1952. The Baltimore & Ohio Railroad Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion and the re-refining of the unfit portion so that it would be brought into compliance with the law.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

18656. Adulteration of bakery products. U. S. v. Pivaronas Bakeries, Algird Pivaronas, and Leonard Pivaronas. Pleas of guilty. Fine of \$600, plus costs, against defendants jointly. (F. D. C. No. 31560. Sample Nos. 9893-L to 9897-L, incl.)

INFORMATION FILED: February 14, 1952, Northern District of Illinois, against Pivaronas Bakeries, a partnership, Chicago, Ill., and against Algird Pivaronas and Leonard Pivaronas, partners in the partnership.

ALLEGED SHIPMENT: On or about August 8, 1951, from the State of Illinois into the State of Indiana.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments, insects, rodent hairs, cat hairs, and maggots; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 18, 1952. Pleas of guilty having been entered, the court imposed a fine of \$600, plus costs, against the defendants jointly.

18657. Adulteration of bread. U. S. v. L. W. Rosenberg (Rosenberg Bakery). Fine of \$1,000 and probation for 90 days. (F. D. C. No. 31565. Sample Nos. 31132-L, 31133-L.)

INFORMATION FILED: January 23, 1952, Western District of Tennessee, against L. W. Rosenberg, trading as the Rosenberg Bakery, Memphis, Tenn.

ALLEGED SHIPMENT: On or about October 4, 1951, from the State of Tennessee into the State of Mississippi.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, and mites; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 4, 1952. A plea of nolo contendere having been entered the court fined the defendant \$1,000 on count 1. The sentence was suspended on count 2 and the defendant was placed on probation for 90 days, conditioned that he rectify the insanitary conditions of the bakery.

18658. Adulteration of bread and bread crumbs. U. S. v. Torino Baking Co., and Annunzio Gonnella, Lawrence Marcucci, and Achille DeBenedetti. Pleas of guilty. Fine of \$750, plus costs. (F. D. C. No. 31573. Sample Nos. 9898-L, 32908-L, 32909-L, 32911-L.)

INFORMATION FILED: February 14, 1952, Northern District of Illinois against the Torino Baking Co., a corporation; Annunzio Gonnella, president; Lawrence Marcucci, secretary-manager; and Achille DeBenedetti, assistant manager.

ALLEGED SHIPMENT: On or about July 2 and 6, and August 16, 1951, from the State of Illinois into the State of Indiana.

LABEL, IN PART: "Torino's Vienna Bread [or "Bread Crumbs"]" or "Mel-o-Crust Rye Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 8, 1952. Pleas of guilty having been entered, the court imposed a general fine of \$750, plus costs, against the defendants.

FLOUR

18659. Adulteration of flour. U. S. v. 1,297 Bags * * *. (F. D. C. No. 31967. Sample No. 9762-L.)

LIBEL FILED: November 6, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 7, 1951, by Abner Wolfe, Inc., from Detroit, Mich.

PRODUCT: 1,297 25-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "General Mills Washburn's Gold Medal Kitchen Tested Enriched Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its contamination with machine oil.

DISPOSITION: January 10, 1952. General Mills, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

18660. Adulteration of flour. U. S. v. 21 Bags, etc. (F. D. C. No. 31926. Sample Nos. 20874-L to 20876-L, incl.)

LIBEL FILED: October 30, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 2 and July 18 and 26, 1951, from Sherman, Tex., Arkansas City, Kans., and Shawnee, Okla.

PRODUCT: 48 bags, each containing 50 pounds, of flour at Ruston, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 28, 1952. Default decree of condemnation. The court ordered that the marshal destroy the product or dispose of it otherwise, in compliance with the law. The product was delivered to a public institution, for use as hog feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

18661. Adulteration of unpopped popcorn. U. S. v. 96 Bags * * *. (F. D. C. No. 31481. Sample No. 29463-L.)

LIBEL FILED: August 17, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about July 3, 1951, from Denver, Colo.

PRODUCT: 96 bags, each containing 100 pounds, of unpopped popcorn at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 12, 1951. Manley, Inc., Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning by sorting, cleaning, and segregating the unfit portion, under the supervision of a representative of the Federal Security Administrator. Reconditioning operations resulted in the denaturing and disposal of 250 pounds of the product for use as animal feed.

18662. Adulteration of rice. U. S. v. 36 Cases, etc. (F. D. C. No. 31610. Sample Nos. 1434-L, 1531-L to 1533-L, incl.)

LIBEL FILED: August 10, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 18, August 19, September 30, and December 1, 1950, and May 8, 1951, from Beaumont, Tex., Abbeville and Rayne, La., and Stuttgart, Ark.

PRODUCT: Rice. 36 cases, each containing 36 1-pound boxes; 36 bales, each containing 30 2-pound bags; 19 cases, each containing 48 12-ounce boxes; and 100 cases, each containing 36 1-pound boxes, at Newnan, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: On October 9, 1951, a default decree of condemnation was entered against the 36-case lot and 36-bale lot, and the court ordered that these lots be delivered to a Federal institution, for use as animal feed. On September 27, 1951, the H. V. Kell Co., Newnan, Ga., claimant for the 19-case lot and the 100-case lot, having consented to the entry of a decree, judgment of condem-

nation was entered against these lots and the court ordered that they be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

Segregation of the product was accomplished by a remilling operation. During the course of this operation, the product became commingled with another lot of rice being remilled. (See the following notice of judgment, No. 18663.) The total amount in both lots delivered for remilling consisted of 9,284 pounds, and the amount of rice fit for human consumption which was recovered from the remilling operations consisted of 8,650 pounds.

18663. Adulteration of rice. U. S. v. 50 Bags * * *. (F. D. C. No. 31923. Sample No. 22153-L.)

LIBEL FILED: October 22, 1951, Northern District of Alabama.

ALLEGED SHIPMENT: On or about September 8, 1951, from Houston, Tex.

PRODUCT: 50 100-pound bags of rice at Birmingham, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 27, 1951. Adolphus Rice Mills, Inc., Houston, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

Segregation of the product was accomplished by a remilling operation. During the course of this operation, the product became commingled with another lot of rice being remilled. (See the preceding notice of judgment, No. 18662.) The total amount in both lots delivered for remilling consisted of 9,284 pounds, and the amount of rice fit for human consumption which was recovered from the remilling operation consisted of 8,650 pounds.

18664. Adulteration of puffed wheat, puffed rice, and pearl barley. U. S. v. Purity Mills, Inc., Ray J. Peterson, and Marvin R. Peterson. Pleas of guilty. Joint fine of \$1,000, plus costs; \$800 of fine suspended. (F. D. C. No. 31545. Sample Nos. 7151-L, 7768-L, 10798-L, 12891-L, 21646-L.)

INFORMATION FILED: October 15, 1951, Northern District of Illinois, against Purity Mills, Inc., Dixon Ill., and Ray J. Peterson and Marvin R. Peterson, president and secretary-treasurer, respectively, of the corporation.

ALLEGED SHIPMENT: On or about March 13, 24, 27, and 28, and April 2, 1951, from the State of Illinois into the States of Pennsylvania, New York, Indiana, Colorado, and Louisiana.

LABEL, IN PART: "Cook Book Puffed Wheat * * * Packed for and Distributed Exclusively By Cook Coffee Company Cleveland"; "Giant Brand Puffed Rice [or "Munch Brand Puffed Wheat"] Purity Mills, Inc., Dixon, Ill."; and "E-Z Cooker Brand Quality Pearl Barley * * * Packed by H. C. Knoke and Company, Chicago."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth; and, Section 402 (a) (3), (pearl barley only) the article consisted in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: December 12, 1951. Pleas of guilty having been entered, the court imposed a fine of \$200 on each of the 5 counts of the information, plus costs. (The fine included all defendants.) The court suspended payment of \$800 of the total fine for a period of 5 years and informed counsel for the defendants that if they violated the Food, Drug, and Cosmetic Act during that time, payment of the \$800 would be required.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, Nos. 18665 to 18667, and that was below the standard for milk fat content, Nos. 18668, 18669.

18665. Adulteration of butter. U. S. v. Wanda Cooperative Creamery Assn., a corporation, and Erick O. Berg. Plea of nolo contendere by corporation; plea of guilty by individual. Corporation fined \$500; fine suspended and corporation placed on probation for 2 years. Sentence suspended against individual defendant and individual placed also on probation for 2 years. (F. D. C. No. 31559. Sample No. 19098-L.)

INFORMATION FILED: December 13, 1951, District of Minnesota, against the Wanda Cooperative Creamery Assn. and Erick O. Berg.

ALLEGED SHIPMENT: On or about June 6, 1951, from the State of Minnesota into the State of Illinois.

LABEL, IN PART: "Creamery Butter Distributed by H. C. Christians Co. * * * Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments, manure, and rodent hair fragments, and by reason of the use of filthy cream in its preparation; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 23, 1952. A plea of nolo contendere having been entered on behalf of the corporation and a plea of guilty having been entered on behalf of the individual defendant, the court fined the corporation \$500, which was suspended, and suspended sentence against the individual defendant. Both defendants were placed on probation for 2 years.

18666. Adulteration of butter. U. S. v. Pratt Co-operative Creamery Co., a corporation, and Melvin J. Nelson. Pleas of guilty. Corporation fined \$250 and individual \$50. (F. D. C. No. 31591. Sample No. 18942-L.)

INFORMATION FILED: February 15, 1952, District of Minnesota, against the Pratt Co-operative Creamery Co., Pratt, Minn., and Melvin J. Nelson, operator for the corporation.

ALLEGED SHIPMENT: On or about August 10, 1951, from the State of Minnesota into the State of Iowa.

LABEL, IN PART: "Creamery Butter Distributed by Fairmont Foods Company General Offices Omaha Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, mites, rodent hair fragments, and manure fragments, and by reason of the use of filthy cream in its preparation.

DISPOSITION: June 19, 1952. Pleas of guilty having been entered, the court fined the corporation \$250 and the individual defendant \$50.

18667. Adulteration of butter. U. S. v. 18 Boxes (1,152 pounds) * * *.
(F. D. C. No. 32862. Sample No. 48252-L.)

LIBEL FILED: March 11, 1952, District of South Dakota.

ALLEGED SHIPMENT: On or about January 5, 1952, from Chicago, Ill. This was a return shipment.

PRODUCT: 18 64-pound boxes of butter at Sioux Falls, S. Dak. Examination showed that the product was dirty as a result of a wreck in transit.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: March 24, 1952. The Wilson Storage & Transfer Co., Sioux Falls, S. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was reconditioned by removing all old and damaged wrappers, scraping the cubes of butter to remove all filth, wrapping the product in clean paper, and packing in clean boxes. 14 pounds of butter scrapings were destroyed.

18668. Adulteration of butter. U. S. v. Minot Creamery Co. Plea of guilty.
Fine of \$400, plus costs. (F. D. C. No. 31585. Sample No. 19118-L.)

INFORMATION FILED: February 12, 1952, District of North Dakota, against the Minot Creamery Co., a corporation, Minot, N. Dak.

ALLEGED SHIPMENT: On or about July 31, from the State of North Dakota into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80% by weight of milk fat had been substituted for butter.

DISPOSITION: March 12, 1952. A plea of guilty having been entered, the defendant was fined \$400, plus costs.

18669. Adulteration of butter. U. S. v. Zumbro Cooperative Creamery Co. Plea of guilty. Fine, \$100. (F. D. C. No. 31130. Sample No. 19405-L.)

INFORMATION FILED: October 1, 1951, District of Minnesota, against the Zumbro Cooperative Creamery Co., Rockdell, Minn.

ALLEGED SHIPMENT: On or about April 20, 1951, from the State of Minnesota into the State of Illinois.

LABEL, IN PART: "Butter L. D. Schreiber & Co., Inc. Sales Agent for The Marketing Association of America Distributors Chicago 467 Illinois 64#."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2),

a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 17, 1952. A plea of guilty having been entered, the court imposed a fine of \$100.

CHEESE

18670. Adulteration of Cheddar cheese. U. S. v. New Mexico Plains Cooperative Creamery, Inc., and Malcolm E. French. Pleas of nolo contendere. Imposition of sentence suspended, conditioned that compliance be made with the requirements necessary for operation under sanitary conditions. (F. D. C. No. 29633. Sample No. 74962-K.)

INFORMATION FILED: October 16, 1950, District of New Mexico, against New Mexico Plains Cooperative Creamery, Inc., Portales, N. Mex., and Malcolm E. French, manager of the firm.

ALLEGED SHIPMENT: On or about April 23, 1950, from the State of New Mexico into the State of Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the use of filth-contaminated milk in its preparation; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 13, 1950. Pleas of nolo contendere having been entered, the court suspended the imposition of sentence and ordered that the probation officer of the court make an inspection of the defendants' plant at the end of six months. On May 22, 1951, the defendants were advised, at the direction of the court, with respect to the specific requirements which they should comply with in the operation of their creamery.

18671. Adulteration of Cheddar cheese. U. S. v. 67 Boxes * * *. (F. D. C. No. 31482. Sample No. 32009-L.)

LIBEL FILED: On or about August 27, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 3 and 6, 1951, by the Marion County Co-op Assn., from Yellville, Ark.

PRODUCT: 67 boxes, each containing 60 pounds, of Cheddar cheese at Springfield, Mo.

LABEL, IN PART: "Arkansas Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of manure fragments and by reason of the use of filthy milk in its preparation; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 1, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCTS

18672. Adulteration of condensed skim milk, nonfat dry milk solids, and sweet cream. U. S. v. Shelby Blue River Farms, Inc. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 31553. Sample Nos. 906-L, 11610-L to 11612-L, incl., 11682-L, 11683-L.)

INFORMATION FILED: October 5, 1951, Southern District of Indiana, against the Shelby Blue River Farms, Inc., Shelbyville, Ind.

ALLEGED SHIPMENT: On or about March 23, 25, 28, 29, and 31, and April 4, 1951, from the State of Indiana into the States of South Carolina and Ohio.

LABEL, IN PART: "Blue River Farms Shelbyville, Ind. Condensed Skim," "Non-Fat Dry Milk Solids," and "Blue River Farms * * * Cream."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances since they had been prepared from filthy milk.

DISPOSITION: January 18, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

FEEDS*

18673. Adulteration and misbranding of peanut meal. U. S. v. Greenwood Products Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 31251. Sample No. 196-L.)

INFORMATION FILED: October 9, 1951, Northern District of Florida, against the Greenwood Products Co., a corporation, Graceville, Fla.

ALLEGED SHIPMENT: On or about December 11, 1950, from the State of Florida into the State of Maryland.

LABEL, IN PART: (Tag) "45% Peanut Meal Greenwood Products Company Graceville, Florida Guaranteed Analysis Crude Protein, not less than 45%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, protein, had been in part omitted.

Misbranding, Section 403 (a), the statements "45% Peanut Meal" and "Guaranteed Analysis Crude Protein, not less than 45%" borne on the tag were false and misleading since the article contained less than 45% of crude protein.

DISPOSITION: April 9, 1952. A plea of nolo contendere having been entered, the court sentenced the defendant to pay a fine of \$200.

18674. Adulteration and misbranding of soybean meal. U. S. v. Thomson Soya Mill. Plea of nolo contendere. Fine of \$200, plus costs. (F. D. C. No. 31272. Sample No. 39806-K.)

INFORMATION FILED: December 3, 1951, District of Kansas, against the Thomson Soya Mill, a partnership, Hiawatha, Kans.

ALLEGED SHIPMENT: On or about January 3, 1951, from the State of Kansas into the State of Oklahoma.

LABEL, IN PART: (Bag) "44% Soy Bean Meal Manufactured By Thomson Soya Mill Hiawatha, Kansas Guaranteed Analysis: Crude Protein 44%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the article.

Misbranding, Section 403 (a), the statements "44% Soy Bean Meal" and "Guaranteed Analysis: Crude Protein 44%" borne on the bags were false and misleading since the article contained less than 44% of protein.

DISPOSITION: January 21, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$200, plus costs, against the defendant.

*See also No. 18700.

18675. Adulteration and misbranding of pulverized oyster shell. U. S. v. 398 Bags * * *. (F. D. C. No. 32848. Sample No. 48310-L.)

LIBEL FILED: March 6, 1952, District of South Dakota.

ALLEGED SHIPMENT: On or about January 22, 1952, by the Mayo Shell Corp., from Houston, Tex.

PRODUCT: 398 50-pound bags of pulverized oyster shell at Colman, S. Dak. Analysis showed that the product contained from 93.6% to 93.8% calcium carbonate.

LABEL, IN PART: "Mayo's Cal-Bon-Ate Guaranteed 97% Calcium Carbonate."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, calcium carbonate, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "97% Calcium Carbonate" was false and misleading as applied to the article, which contained less than 97% calcium carbonate.

DISPOSITION: April 9, 1952. The sole intervener having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be delivered to certain city and State agencies, to be used as feed for birds and other fowl.

FISH AND SHELLFISH

18676. Adulteration of frozen H. & G. whiting. U. S. v. 29,870 Pounds * * *. (F. D. C. No. 31899. Sample Nos. 31465-L, 33999-L.)

LIBEL FILED: October 16, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 18, 1951, by the General Freezer & Storage Co., from New Bedford, Mass.

PRODUCT: 29,870 pounds of frozen H. & G. whiting at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: November 13, 1951. Default decree of condemnation. The court ordered that the product be sold, conditioned that the purchaser denature it so that it could not be used for human food.

18677. Adulteration of crab meat. U. S. v. 1 Barrel * * *. (F. D. C. No. 31359. Sample No. 21650-L.)

LIBEL FILED: May 25, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 21, 1951, by the Pascagoula Crab Co., from Pascagoula, Miss.

PRODUCT: 1 barrel, containing 46 1-pound cans, of crab meat at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it was polluted with *E. coli*, a micro-organism indicating the presence of fecal contamination; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 20, 1951. Default decree of condemnation and destruction.

18678. Adulteration and misbranding of oysters. U. S. v. 119 Cans * * *.
(F. D. C. No. 31924. Sample No. 11995-L.)

LIBEL FILED: October 23, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 17, 1951, by McCready Bros., from Cape Charles, Va.

PRODUCT: 119 1-pint cans of oysters at Milford, Ohio.

LABEL, IN PART: (Cans) "Oysters * * * Standards" and "Oysters * * * Selects."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects, since the regulations provide that such oysters are thoroughly drained, whereas they had not been thoroughly drained.

DISPOSITION: November, 30, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18679. Misbranding of canned cherries. U. S. v. 13 Cases * * *. (F. D. C. No. 32551. Sample Nos. 30466-L, 30481-L.)

LIBEL FILED: March 10, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about September 7, 1951, and February 20, 1952, by the Pacific Fruit & Produce Co., from Portland, Oreg.

PRODUCT: 13 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Kelso, Wash.

LABEL, IN PART: "Standby Red Cherries Pitted Tart."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned cherries, a food for which a standard of identity has been prescribed by regulations; and the label failed to bear, as required by the regulations, the name of the optional cherry ingredient present, namely, "Red Tart" preceded or followed by the word "Pitted."

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained an excessive number of pits and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 12, 1952. Default decree of condemnation and destruction.

DRIED FRUIT

18680. Adulteration of dried apricots. U. S. v. 200 Cases * * *. (F. D. C. No. 28478. Sample No. 33180-K.)

LIBEL FILED: December 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 21, 1949, by the Warren Dried Fruit Co., from San Francisco, Calif.

PRODUCT: 200 25-pound cases of dried apricots at New York, N. Y.

LABEL, IN PART: "Blenheim Apricots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: January 12, 1950. Default decree of condemnation and destruction.

18681. Adulteration of prunes. U. S. v. 76 Cartons * * *. (F. D. C. No. 31958. Sample No. 38352-L.)

LIBEL FILED: October 30, 1951, Southern District of New York.

ALLEGED SHIPMENT: During or about November 1950, from San Jose, Calif.

PRODUCT: 76 25-pound cartons of prunes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mold.

DISPOSITION: November 19, 1951. Default decree of condemnation and destruction.

FROZEN FRUIT

18682. Adulteration of frozen strawberries. U. S. v. 59 Drums * * *. (F. D. C. No. 29291. Sample No. 84154-K.)

LIBEL FILED: June 29, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 18, 1950, by the Hammond Packing & Cold Storage Co., from Hammond, La.

PRODUCT: 59 drums, each containing 450 pounds, of frozen strawberries at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

DISPOSITION: September 8, 1950. The Hammond Packing & Cold Storage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The product was examined to segregate the unfit portion, and as a result of this operation, 51 drums of the product were found unfit. Attempts to recondition the unfit portion proved unsuccessful, and on July 10, 1952, the 51 drums were destroyed.

VEGETABLES

18683. Adulteration of canned corn. U. S. v. 367 Cases, etc. (F. D. C. No. 29271. Sample No. 76949-K.)

LIBEL FILED: On or about June 20, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 29, 1950, from Monticello, Iowa, for the Durbrow Bros. Canning Co., Cedar Rapids, Iowa.

PRODUCT: 723 cases, each containing 24 1-pound, 4-ounce cans, of corn at Joplin, Mo.

LABEL, IN PART: "Starlet Cream Style White Sweet Corn" or "Royal Cream Brand * * * Cream Style White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article contained worms and worm parts.

DISPOSITION: December 4, 1950. Default decree of destruction.

18684. Adulteration of canned corn. U. S. v. 196 Cases * * *. (F. D. C. No. 31875. Sample No. 32034-L.)

LIBEL FILED: On or about October 19, 1951, Western District of Missouri; amended libel filed on or about November 7, 1951.

ALLEGED SHIPMENT: On or about September 1, 1950, by the Marshall Canning Co., from Ackley, Iowa.

PRODUCT: 196 cases, each containing 24 1-pound cans, of corn at Springfield, Mo.

LABEL, IN PART: (Can) "Sunshine Brand * * * Extra Standard Cream Style White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worm parts.

DISPOSITION: December 26, 1951. The sole intervener having consented to the entry of a decree, judgment was entered by the court, ordering that the product be delivered to a Federal institution, for use as animal feed.

18685. Misbranding of canned peas and adulteration of canned spinach. U. S. v. Fresh Canning Co., Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 31584. Sample Nos. 11524-L, 11526-L, 13106-L, 21729-L.)

INFORMATION FILED: March 10, 1952, Eastern District of Oklahoma.

ALLEGED SHIPMENT: Between the approximate dates of January 22 and May 24, 1951, from the State of Oklahoma into the States of Tennessee, Colorado, and Mississippi.

LABEL, IN PART: "Le Flore Brand Fresh Crowder Peas," "Big League Brand Crowder Peas Distributed by Cannery Exchange, Inc. Springfield, Mo.," and "Exeter Brand Spinach Packed by Harris Canning Co. Lincoln, Ark."

NATURE OF CHARGE: Spinach. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of aphids.

Peas. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned field peas since the food, after sealing in a container, was not so processed by heat as to prevent spoilage.

DISPOSITION: March 18, 1952. A plea of nolo contendere having been entered, the court fined the defendant \$400.

TOMATOES AND TOMATO PRODUCTS

18686. Adulteration of canned tomatoes. U. S. v. 822 Cases (and one other seizure action). (F. D. C. Nos. 31759, 31771. Sample Nos. 5997-L, 5998-L.)

LIBELS FILED: October 11, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 27, 1950, and April 3, 1951, from Italy.

PRODUCT: Tomatoes. 822 cases, each containing 24 2-pound, 3-ounce cans, and 382 cases, each containing 48 1-pound, 1-ounce cans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 30, 1951. James Ferrera & Sons, Inc., Boston, Mass., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. 874 24-can cases and 490 48-can cases of the product were salvaged and the remainder destroyed. (An additional 80 48-can cases, which had not been seized, were included in the reconditioning operations.)

18687. Adulteration of canned tomatoes. U. S. v. 186 Cases * * *. (F. D. C. No. 31511. Sample No. 21662-L.)

LIBEL FILED: September 4, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about June 6, 1951, by K. Peters, from Hallandale, Fla.

PRODUCT: 186 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Mobile, Ala.

LABEL, IN PART: (Can) "Pine Land Brand Fine Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: December 10, 1951. Default decree of condemnation and destruction.

18688. Adulteration of tomato paste. U. S. v. 229 Cases * * *. (F. D. C. No. 31476. Sample No. 28359-L.)

LIBEL FILED: August 17, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about May 2, 1951, by B. Dorman & Sons, from New York, N. Y.

PRODUCT: 229 cases, each containing 10 10-pound, 2-ounce cans, of tomato paste at Moss Landing, Calif.

LABEL, IN PART: (Can) "Halisco Concentrated Tomato Paste Product of France."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 4, 1952. Default decree of condemnation and destruction.

MEAT AND POULTRY

18689. Adulteration of frozen rabbits. U. S. v. 629 Boxes * * *. (F. D. C. No. 31927. Sample Nos. 4206-L, 4518-L.)

LIBEL FILED: October 18, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about August 23, 1951, from Boston, Mass.

PRODUCT: 629 boxes, each containing 60 pounds, of frozen rabbits at Washington, D. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed rabbits. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 26, 1951. Default decree of condemnation. The court ordered that the product be delivered to the Zoo, for use as animal feed.

18690. Adulteration of dressed poultry. U. S. v. Stork Bros., Inc., and Albrecht H. Stork. Pleas of guilty. Corporation fined \$1,000. Individual defendant sentenced to 6 months in jail; jail sentence suspended and individual placed on probation for 3 years. (F. D. C. No. 30074. Sample Nos. 75711-K, 89838-K.)

INFORMATION FILED: January 15, 1951, District of Minnesota, against Stork Bros., Inc., New Ulm, Minn., and Albrecht H. Stork, president of the corporation.

ALLEGED SHIPMENT: On or about August 21, 1950, from the State of Minnesota into the State of Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of contamination by rodent hairs, cat hairs, insects, and insect fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 30, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against the corporation and sentenced the individual to 6 months in jail. The jail sentence against the individual was suspended, and he was placed on probation for 3 years.

18691. Adulteration of dressed poultry. U. S. v. 65 Crates * * *. (F. D. C. No. 31333. Sample No. 24348-L.)

LIBEL FILED: July 9, 1951, Southern District of New York; amended libel filed August 8, 1951.

ALLEGED SHIPMENT: On or about June 30, 1951, by Rockland Poultry Co., Inc., from Rockland, Maine.

PRODUCT: 65 crates, each containing 74 pounds, of dressed poultry at New York, N. Y. Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of the law.

DISPOSITION: August 30, 1951. Rockland Poultry Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of salvaging by cutting off the neck of each bird and destroying the necks and by eviscerating each bird, under the supervision of the Federal Security Agency.

18692. Adulteration of poultry. U. S. v. 5 Crates * * *. (F. D. C. No. 31332. Sample No. 24350-L.)

LIBEL FILED: July 9, 1951, Southern District of New York; amended libel filed August 8, 1951.

ALLEGED SHIPMENT: On or about June 30, 1951, by the Farmhouse Poultry Co., Robbins, N. C.

PRODUCT: 5 crates, each containing approximately 73 pounds, of poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance which is unsafe within the meaning of the law. (Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.)

DISPOSITION: August 9, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for evisceration and destruction of the unfit portion, under the supervision of the Federal Security Agency.

18693. Adulteration of dressed poultry. U. S. v. 287 Pounds * * *. (F. D. C. No. 30304. Sample No. 73152-K.)

LIBEL FILED: November 27, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about November 7, 1950, by Berry Bros., from Morrill, Maine.

PRODUCT: 287 pounds of dressed poultry in 4 crates at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: December 12, 1950. Default decree of condemnation. The court ordered that the product be delivered to the Food and Drug Administration for exhibit purposes and for segregation of the fit portion for distribution to charitable organizations.

NUTS

18694. Adulteration of shelled peanuts. U. S. v. 52 Bags * * *. (F. D. C. No. 31418. Sample No. 31693-L.)

LIBEL FILED: July 9, 1951, Southern District of Illinois; libel amended in February 1952.

ALLEGED SHIPMENT: On or about November 10, 1950, by Lummis & Co., from Suffolk, Va.

PRODUCT: 52 bags, each containing 100 pounds, of shelled peanuts at Peoria, Ill.

LABEL, IN PART: "Extra Large Virginia Shelled Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance, stones, which may have rendered it injurious to health; and, Section 402 (b) (2), stones had been substituted in part for peanuts.

DISPOSITION: February 7, 1952. The Oakford Co., Peoria, Ill., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reworked so that it would be brought into compliance with the law, under the supervision of the Food and Drug Administration. 3,569 pounds of the product were salvaged by removal of the stones, and 915 pounds were discarded because of the presence of mold.

18695. Adulteration of shelled walnuts. U. S. v. 3 Boxes * * *. (F. D. C. No. 31911. Sample No. 19523-L.)

LIBEL FILED: October 19, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about October 25, 1950, from San Francisco, Calif.

PRODUCT: 3 boxes, each containing 25 pounds, of shelled walnuts at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 13, 1951. Default decree of condemnation. The court ordered that the product be destroyed or denatured for use as animal feed. The product was disposed of as pig feed.

18696. Adulteration of unshelled walnuts. U. S. v. 9 Bags, etc. (F. D. C. No. 32870. Sample No. 8358-L.)

LIBEL FILED: March 12, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about October 23, 1950, from Los Angeles, Calif.

PRODUCT: 9 50-pound bags and 1 100-pound bag of unshelled walnuts at Watertown, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested walnuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 10, 1952. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

18697. Adulteration of mayonnaise and salad dressing. U. S. v. P. L. Foods Manufacturing, Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 31570. Sample Nos. 20793-L, 20794-L, 20827-L, 20828-L.)

INFORMATION FILED: On or about January 14, 1952, Middle District of Tennessee, against P. L. Foods Manufacturing, Inc., Nashville, Tenn.

ALLEGED SHIPMENT: Between the approximate dates of March 15 and August 10, 1951, from the State of Tennessee into the State of Alabama.

LABEL, IN PART: "White Cabin Salad Dressing [or "Mayonnaise"] Wood-Fruitticher Grocery Co. Distributors Birmingham, Ala."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 1, 1952. A plea of nolo contendere having been entered, the court fined the corporation \$100.

18698. Adulteration of pickle mixture. U. S. v. 10 Cards, etc. (F. D. C. No. 29915. Sample Nos. 76966-K, 76967-K.)

LIBEL FILED: On or about October 11, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 19, 1950, by Cooper & Co., Inc., from Princeton, Ind.

PRODUCT: 37 cards, each containing 24 1/2-ounce packages, of pickle mixture at Webb City, Mo.

LABEL, IN PART: "Old Dutch Mill Pickle Mixture for Dilling Pickles" and "Old Dutch Saccharin Pickle Mixture."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent excreta, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 9, 1950. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

18699. Adulteration and misbranding of liver and yeast extract tablets and Fenatrate syrup. U. S. v. 95 Bottles, etc. (F. D. C. No. 33139. Sample Nos. 17719-L to 17721-L, incl., 17725-L, 17726-L.)

LIBEL FILED: May 20, 1952, Southern District of California.

ALLEGED SHIPMENT: Between January 1944 and January 1950, from Detroit, Mich.

PRODUCT: 95 100-tablet bottles, 5 500-tablet bottles, and 8 1,000-tablet bottles of liver and yeast extract tablets, and 44 3-ounce bottles and 18 1-pint bottles of Fenatrate syrup at Los Angeles, Calif.

LABEL, IN PART: "Liver-Yeast Extract Tablets. Each Tablet Contains * * * (Vitamin B₁) 85 I. U." and "Syrup of Fenatrate B₁ * * * Vitamin B₁ (2640 int. units) 8.0 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statements (liver and yeast extract tablets) "Each Tablet Contains * * * (Vitamin B₁) 85 I. U." and (Fenatrate syrup) "Vitamin B₁ (2640 int. units) 8.0. mg." were false and misleading as applied to the articles, which contained less than the declared amounts of vitamin B₁.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: June 13, 1952. Default decree of condemnation and destruction.

18700. Adulteration and misbranding of Magnatone Supplement. U. S. v. 28 Bags * * *. (F. D. C. No. 31952. Sample No. 10160-L.)

LIBEL FILED: October 31, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 21, 1951, by Magnatonic Products, Inc., from New Knoxville, Ohio.

PRODUCT: 28 50-pound bags of Magnatone Supplement at Hudson, Mich. Analysis disclosed that the product contained not more than one-half of the declared amounts of vitamins A and D.

*See also No. 18651.

LABEL, IN PART: (Bag) "Magnetone Supplement Minerals Vitamins for the Dairy Herd * * * Vitamin A (Carotene from Carrot Oil) 25,000 U. S. P. Units per lb., Vitamin D₂ (Irradiated Ergosterol * * * 10,000 U. S. P. Units per lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in part omitted or abstracted from the article.
The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3759.

DISPOSITION: January 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

In attempting to execute the order of the court, the United States marshal found that the product under seizure had been returned to the State of Ohio, where it was fed to animals. Upon submission of these facts to the court, an order was entered on June 19, 1952, dismissing the libel.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18651-18700

PRODUCTS

	N. J. No.		N. J. No.
Apricots, dried-----	18680	Fresh-A orange drink-----	18651
Bakery products-----	18656-18658	Fruits and vegetables-----	18679-18688
Barley, pearl-----	18664	fruit, canned-----	18679
Beverage and beverage material_	18651,	dried-----	18680, 18681
	18652	frozen-----	18682
Bread-----	18657, 18658	tomatoes and tomato products_	18686-
crumbs-----	18658		18688
Butter-----	18665-18669	vegetables-----	18683-18685
Candy-----	18653	Liver and yeast extract tablets__	18699
Cereals and cereal products-----	18656-	Magnetone Supplement-----	18700
	18664	Mayonnaise -----	18697
Cheese-----	18670, 18671	Meat and poultry-----	18689-18693
Cherries, canned-----	18679	Milk, skim, condensed, and nonfat	
Coffee concentrate-----	18652	dry milk solids-----	18672
Corn, canned-----	18683, 18684	Nuts-----	18694-18696
Crab meat-----	18677	Orange drink, Fresh-A-----	18651
Cream, sweet-----	18672	Oyster(s) -----	18678
Dairy products-----	18665-18672	shell, pulverized-----	18675
Feeds-----	18673-18675, 18700	Peanut(s), meal-----	18673
Fenatrane syrup-----	18699	shelled -----	18694
Fish and shellfish-----	18676-18678	Peas, canned-----	18685
Flavors. See Spices, flavors, and		Pickle mixture-----	18698
seasoning materials.		Popcorn, unpopped-----	18661
Flour-----	18659, 18660	Poultry. See Meat and poultry.	

	N. J. No.		N. J. No.
Prunes	18681	Tomato(es), canned	18686, 18687
Rabbits, frozen	18689	paste	18688
Rice	18662, 18663	Vegetables. <i>See</i> Fruits and vege-	
puffed	18664	tables.	
Salad dressing	18697	Veterinary preparation (vita-	
Shellfish. <i>See</i> Fish and shellfish.		mins)	18700
Sirup	18654	Vitamin, mineral, and other prod-	
Soybean meal	18674	ucts of special dietary signifi-	
Spices, flavors, and seasoning		cance	18651, 18699, 18700
materials	18697, 18698	Walnuts, shelled	18695
Spinach, canned	18685	unshelled	18696
Strawberries, frozen	18682	Wheat, puffed	18664
Sugar	18655	Whiting, frozen	18676

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Baltimore & Ohio Railroad Co.:		General Freezer & Storage Co.:	
sugar	18655	frozen H. & G. whiting	18676
Berg, E. O.:		Gonnella, Annunzio:	
butter	18665	bread and bread crumbs	18658
Berry Bros.:		Greenwood Products Co.:	
dressed poultry	18693	peanut meal	18673
Canners Exchange, Inc.:		Hammond Packing & Cold Stor-	
canned peas	18685	age Co.:	
Christians, H. C., Co.:		frozen strawberries	18682
butter	18665	Harris Canning Co.:	
Cook Coffee Co.:		canned spinach	18685
puffed wheat	18664	Knoke, H. C., & Co.:	
Cooper & Co., Inc.:		pearl barley	18664
pickle mixture	18698	Lansaw, J. D.:	
DeBenedetti, Achille:		sirup	18654
bread and bread crumbs	18658	Lansaw, Roy, & Son:	
Dorman, B., & Sons:		sirup	18654
tomato paste	18688	Lincoln Foods, Inc.:	
Durbrow Bros. Canning Co.:		Fresh-A orange drink	18651
canned corn	18683	Lummis & Co.:	
Fairmont Foods Co.:		shelled peanuts	18694
butter	18666	McCready Bros.:	
Farmhouse Poultry Co.:		oysters	18678
poultry	18692	Magnatonic Products, Inc.:	
French, M. E.:		Magnatone Supplement	18700
Cheddar cheese	18670	Marcucci, Lawrence:	
Fresh Canning Co., Inc.:		bread and bread crumbs	18658
canned peas and canned spin-		Marion County Co-op Assn.:	
ach	18685	Cheddar cheese	18671
Fresh-A Juice Co.:		Marketing Association of Amer-	
Fresh-A orange drink	18651	ica:	
Garfinkel, B. D.:		butter	18669
candy	18653		

	N. J. No.		N. J. No.
Marshall Canning Co.:		Rockland Poultry Co., Inc.:	
canned corn-----	18684	dressed poultry-----	18691
Mayo Shell Corp.:		Rosenberg, L. W.:	
pulverized oyster shell-----	18675	bread-----	18657
Minot Creamery Co.:		Rosenberg Bakery. <i>See</i> Rosen-	
butter-----	18668	berg, L. W.	
Nelson, M. J.:		Schreiber, L. D., & Co., Inc.:	
butter-----	18666	butter-----	18669
New Mexico Plains Cooperative		Shelby Blue River Farms, Inc.:	
Creamery, Inc.:		condensed skim milk, nonfat	
Cheddar cheese-----	18670	dry milk solids, and sweet	
Original Allegretti, Inc.:		cream-----	18672
candy-----	18653	Stork, A. H.:	
P. L. Foods Manufacturing, Inc.:		dressed poultry-----	18690
mayonnaise and salad dress-		Stork Bros., Inc.:	
ing-----	18697	dressed poultry-----	18690
Pacific Fruit & Produce Co.:		Thomson Soya Mill:	
canned cherries-----	18679	soybean meal-----	18674
Pascagoula Crab Co.:		Torino Baking Co.:	
crab meat-----	18677	bread and bread crumbs-----	18658
Peters, K.:		Wanda Cooperative Creamery	
canned tomatoes-----	18687	Assn.:	
Peterson, M. R., and R. J.:		butter-----	18665
puffed wheat, puffed rice, and		Warren Dried Fruit Co.:	
pearl barley-----	18664	dried apricots-----	18680
Pivaronas, Algird, and Leonard:		Wolfe, Abner, Inc.:	
bakery products-----	18656	flour-----	18659
Pivaronas Bakeries:		Wood-Fruitticher Grocery Co.:	
bakery products-----	18656	mayonnaise and salad dress-	
Pratt Co-operative Creamery Co.:		ing-----	18697
butter-----	18666	Zumbro Cooperative Creamery	
Purity Mills, Inc.:		Co.:	
puffed wheat, puffed rice, and		butter-----	18669
pearl barley-----	18664		

FEDERAL REGISTER



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18701-18750

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

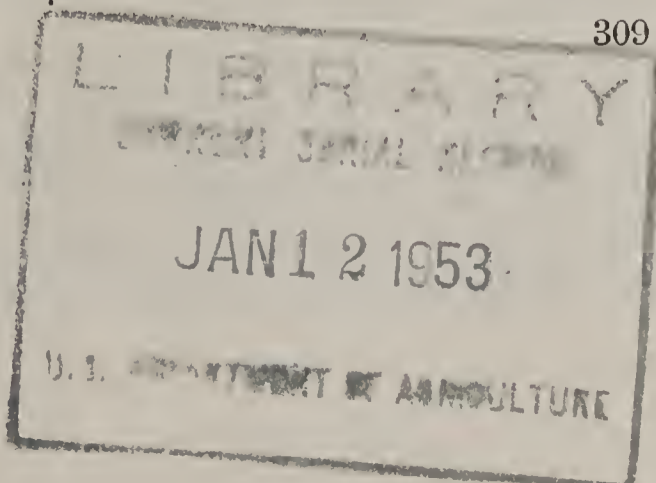
CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 23, 1952.*

CONTENTS

	Page		Page
Cereals and cereal products.....	310	Fruits and vegetables—Continued	
Flour.....	310	Miscellaneous fruit products....	317
Miscellaneous cereal.....	311	Vegetables and vegetable prod-	
Dairy products.....	311	ucts.....	318
Butter.....	311	Tomatoes and tomato products..	320
Cheese and cheese product....	312	Meat and poultry.....	322
Miscellaneous dairy product....	313	Nuts.....	324
Eggs and egg product.....	313	Spices, flavors, and seasoning ma-	
Fish and shellfish.....	315	terials.....	325
Fruits and vegetables.....	316	Index.....	327
Canned fruit.....	316		

309



CEREALS AND CEREAL PRODUCTS**FLOUR**

18701. Adulteration of flour. U. S. v. 303 Bags * * *. (F. D. C. No. 32135. Sample No. 35490-L.)

LIBEL FILED: November 28, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 26, 1951, from Madison, Wis.

PRODUCT: 303 50-pound bags of flour at Wabasha, Minn., in possession of the International Milling Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1951. The International Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

18702. Adulteration of flour. U. S. v. 561 Bags * * *. (F. D. C. No. 31941. Sample No. 1555-L.)

LIBEL FILED: October 26, 1951, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 20 and August 21, 1951, from Chattanooga, Tenn.

PRODUCT: 561 25-pound bags of flour at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 6, 1951. The Dixie-Portland Flour Co., Jacksonville, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

18703. Adulteration of buckwheat and wheat pancake flour. U. S. v. Borst & Burhans Co. and Harold T. Smith. Pleas of guilty. Fine of \$100 against each defendant. (F. D. C. No. 31093. Sample Nos. 80222-K, 80223-K.)

INFORMATION FILED: On or about July 1, 1952, Northern District of New York, against Borst & Burhans Co., a partnership, Cobleskill, N. Y., and Harold T. Smith, a partner in the partnership.

ALLEGED SHIPMENT: On or about October 18, 1950, from the State of New York into the State of Massachusetts.

LABEL, IN PART: "Rival Brand Buckwheat and Wheat Griddle Cake Flour * * * Packed for Rival Foods, Inc. Cambridge, Mass." and "Sure-Rising Brand Buckwheat and Wheat Pancake Flour * * * Manufactured by Borst & Burhans Co., Cobleskill, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments; and,

Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 8, 1952. Pleas of guilty having been entered, the court imposed a fine of \$100 against each defendant.

MISCELLANEOUS CEREAL

18704. Adulteration of rice. U. S. v. 112 Bags * * *. (F. D. C. No. 32617. Sample No. 27436-L.)

LIBEL FILED: January 29, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about October 31, 1951, from Crowley, La.

PRODUCT: 112 50-pound bags of rice at Oakland, Calif., in possession of the Nanking Noodle Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 19, 1952. The Nanking Noodle Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The product subsequently was destroyed.

18705. Adulteration of rice. U. S. v. 24 Bags * * *. (F. D. C. No. 31501. Sample No. 28286-L.)

LIBEL FILED: August 30, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about April 25, 1951, from Houston, Tex.

PRODUCT: 24 100-pound bags of rice at Sacramento, Calif., in possession of the Globe Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 31, 1952. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

18706. Adulteration of butter. U. S. v. 23 Cases * * *. (F. D. C. No. 32252. Sample No. 22992-L.)

LIBEL FILED: November 6, 1951, Northern District of New York.

ALLEGED SHIPMENT: On or about October 12, 1951, by C. A. Swanson & Sons, from Omaha, Nebr.

PRODUCT: 23 cases, each containing 30 1-pound prints, of butter at Albany, N. Y.

LABEL, IN PART: (Case) "Butter Manufactured by C. A. Swanson & Sons General Office - Omaha, Nebr. 30# Net Tri City, Albany"; (print label) "1 Pound Net Weight Brookvue Farms Select Cream Country Roll Style Butter Distributed by the Tri-City Produce Co. Inc. Albany, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination showed that the product contained excessive mold mycelia.)

DISPOSITION: December 14, 1951. Default decree of condemnation and destruction.

18707. Adulteration of butter. U. S. v. 15 Cases * * *. (F. D. C. No. 32031. Sample No. 11896-L.)

LIBEL FILED: October 11, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 29, 1951, by the Merchants Creamery Co., from Springfield, Mo.

PRODUCT: 15 50-pound cases of butter at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80% by weight of milk fat had been substituted for butter.

DISPOSITION: October 26, 1951. The Merchants Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be reworked under the supervision of the Food and Drug Administration.

CHEESE AND CHEESE PRODUCT

18708. Adulteration of blue cheese. U. S. v. 72 Cartons * * *. (F. D. C. No. 32102. Sample No. 30277-L.)

LIBEL FILED: November 16, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about May 20, 1951, from Aberdeen, S. Dak.

PRODUCT: 72 cartons, each containing 12 1-ounce packages, of blue cheese at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed that the product was decomposed.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 7, 1952. Default decree of condemnation and destruction.

18709. Adulteration and misbranding of grated cheese. U. S. v. 76 Cases * * *. (F. D. C. No. 32377. Sample No. 26728-L.)

LIBEL FILED: December 20, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 27, 1951, by the Continental Cheese Co., from Trenton, N. J.

PRODUCT: 76 cases, each containing 24 jars; of grated cheese at Philadelphia, Pa. Examination showed that the product was Sardo cheese and that it was short of the declared weight.

LABEL, IN PART: (Jar) "Albor Romano Cheese Italian Style Grated only from imported cheese Net Wt. 2 ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), Sardo cheese had been substituted for Romano cheese, a more expensive variety of cheese.

Misbranding, Section 403 (a), the label designation "Romano Cheese" was false and misleading as applied to Sardo cheese; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 29, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18710. Adulteration of Welsh rabbit. U. S. v. 13 Cases * * *. (F. D. C. No. 31920. Sample No. 11013-L.)

LIBEL FILED: October 22, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 6, 1951, by the Sue Ann Food Products Corp., from Chicago, Ill.

PRODUCT: 13 cases, each containing 12 10-ounce jars, of Welsh rabbit at Cincinnati, Ohio.

LABEL, IN PART: "Cocktail Delight Welsh Rarebit * * * Made With Sherry Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: November 26, 1951. Default decree of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCT

18711. Adulteration and misbranding of nonfat dry milk solids. U. S. v. 47 Drums * * *. (F. D. C. No. 29540. Sample No. 70387-K.)

LIBEL FILED: August 23, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about July 31, 1950, by the Central Farm Products Co., from Trenton, Mo.

PRODUCT: 47 200-pound drums of nonfat dry milk solids at Kansas City, Kans. Analysis showed that the product was prepared from neutralized sour skim milk.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article prepared from neutralized sour skim milk had been substituted in whole or in part for nonfat dry milk solids.

Misbranding, Section 403 (a), the label statement "Non Fat Dry Milk Solids Comply with Food & Drug Act" was false and misleading as applied to an article prepared from neutralized sour skim milk.

DISPOSITION: October 2, 1950. The Central Farm Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

EGGS AND EGG PRODUCT

18712. Adulteration of frozen eggs. U. S. v. 1,000 Cans * * *. (F. D. C. No. 31216. Sample No. 23219-L.)

LIBEL FILED: June 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 29, 1951, by the Orleans Poultry Co., from Owensboro, Ky.

PRODUCT: 1,000 cans, each containing 30 pounds, of frozen eggs at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 25, 1951. Arthur Redmond Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the denaturing of 137 cans of the product as unfit.

18713. Adulteration of frozen eggs. U. S. v. 1,000 Cans * * *. (F. D. C. No. 31791. Sample No. 37992-L.)

LIBEL FILED: October 15, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 23, 1951, by the Ross Produce Co., from Unionville, Mo.

PRODUCT: 1,000 cans, each containing 30 pounds, of frozen eggs at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Petersen Packing Corp. * * * Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: November 26, 1951. The Ross Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the good cans of eggs be separated from those containing decomposed eggs. Salvage operations resulted in the release of 829 cans as good and the denaturing of 171 cans of rejects for technical use.

18714. Adulteration of frozen eggs. U. S. v. 64 Cans * * *. (F. D. C. No. 31164. Sample No. 24196-L.)

LIBEL FILED: May 31, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 18, 1951, by L. Meyer & Co., Inc., from Jersey City, N. J.

PRODUCT: 64 30-pound cans of frozen eggs at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 25, 1951. L. Meyer & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion, under the supervision of the Federal Security Agency. 8 cans of the product were found unfit and were denatured.

18715. Adulteration of dried egg skimmings. U. S. v. 3 Barrels * * *. (F. D. C. No. 31929. Sample No. 36914-L.)

LIBEL FILED: October 23, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 10, 1951, by the Ocoma Foods Co. (Div. of Omaha Cold Storage Co.), Omaha, Nebr.

PRODUCT: Dried egg skimmings. 3 barrels containing 467½ pounds of the product at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

18716. Adulteration of frozen cod fillets. U. S. v. 41 Cartons * * *.
(F. D. C. No. 32886. Sample No. 12603-L.)

LIBEL FILED: March 19, 1952, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about February 4, 1952, by Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.

PRODUCT: 41 cartons, each containing 12 1-pound packages, of frozen cod fillets at Knoxville, Tenn.

LABEL, IN PART: (Carton) "Cod Wax Gorton's Frozen Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: May 13, 1952. Default decree of condemnation and destruction.

18717. Adulteration and misbranding of oysters. U. S. v. 400 Cans, etc. * * *.
(F. D. C. No. 31972. Sample Nos. 3698-L, 3699-L.)

LIBEL FILED: November 7, 1951, Southern District of Georgia.

ALLEGED SHIPMENT: On or about October 25, 1951, by the J. W. Ferguson Seafood Co., from Remlik, Va.

PRODUCT: 600 1-pint cans of oysters at Augusta, Ga.

LABEL, IN PART: (400 cans) "Standards Rappahannock Brand Oysters" and (200 cans) "Extra Selects Rappahannock Brand Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters extra selects since they were not thoroughly drained and since the oysters extra selects were of such size that 1 gallon contained more than 210 oysters, and 1 quart of the smallest oysters selected contained more than 58 oysters.

DISPOSITION: December 3, 1951. Default decree of condemnation and destruction.

18718. Adulteration of oysters. U. S. v. 304 Cans, etc. (F. D. C. No. 31951. Sample Nos. 3695-L, 3696-L.)

LIBEL FILED: October 26, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 22, 1951, by the Gloucester Seafood Packing Co., from Bena, Va.

PRODUCT: 388 1-pint cans of oysters at Forest City, N. C.

LABEL, IN PART: "Oysters Selects King O'Sea" and "Oysters Standards Duke of Gloucester Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: November 21, 1951. Default decree of condemnation and destruction.

18719. Adulteration of oysters. U. S. v. 144 Pints * * *. (F. D. C. No. 30226. Sample No. 66983-K.)

LABEL FILED: December 21, 1950, Northern District of New York.

ALLEGED SHIPMENT: On or about December 15, 1950, by the Bivalve Oyster Packing Co., from Bivalve, Md.

PRODUCT: 144 pints of oysters at Plattsburg, N. Y.

LABEL, IN PART: "B & L Brand Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in whole or in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: February 1, 1951. Default decree of condemnation and destruction.

18720. Adulteration of frozen shrimp. U. S. v. 18 Cartons, etc. (F. D. C. No. 30337. Sample No. 74024-K.)

LABEL FILED: December 13, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about November 13, 1950, by Woodcleft Fisheries, from Beaufort, S. C.

PRODUCT: 18 10-pound cartons and 21 5-pound cartons of frozen shrimp at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: December 29, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18721. Misbranding of canned cherries. U. S. v. 18 Cases * * *. (F. D. C. No. 32173. Sample No. 2990-L.)

LABEL FILED: November 21, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about September 20, 1951, by the Wegner Canning Corp., from Sodus, N. Y.

PRODUCT: 18 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Washington, D. C.

LABEL, IN PART: "Shurfine Pitted Red Sour Cherries Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the regulations, the name of the optional packing medium present in the food since the label bore the statement "In Extra Heavy Syrup," whereas the product was packed in heavy sirup.

DISPOSITION: February 6, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18722. Misbranding of canned peaches. U. S. v. 542 Cases * * *. (F. D. C. No. 32359. Sample No. 15621-L.)

LIBEL FILED: January 10, 1952, District of Kansas.

ALLEGED SHIPMENT: On or about September 13, 1951, by the George Noroian Co., from Dinuba, Calif.

PRODUCT: 542 cases, each containing 24 cans, of peaches at Coffeyville, Kans.

LABEL, IN PART: "Contents 1 Lb. 13 Oz. Irregular, Ripe and Ragged Fruitful Valley Brand Halved Nectar Peaches in Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional peach ingredient used and the optional packing medium present since the product was white freestone peaches of irregular sizes and shapes and was not packed in extra heavy sirup.

DISPOSITION: June 23, 1952. The shipper, claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled, under the supervision of the Food and Drug Administration.

18723. Misbranding of canned pears. U. S. v. 101 Cases, etc. (F. D. C. No. 32262. Sample Nos. 12990-L, 13246-L, 13699-L.)

LIBEL FILED: December 3, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about August 1 and October 24, 1951, by Hunt Foods, Inc., from Campbell, Calif., and Sumner, Wash.

PRODUCT: 101 cases, each containing 48 15-ounce cans, and 660 cases, each containing 24 1-pound, 13-ounce cans, of pears at Denver, Colo.

LABEL, IN PART: "Hunt's Halves Bartlett Pears in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned pear halves, and the label failed to bear a statement that the product was below the standard.

DISPOSITION: March 31, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregating and relabeling of the substandard portion, under the supervision of the Federal Security Agency, and the release of the remainder to the claimant.

MISCELLANEOUS FRUIT PRODUCTS

18724. Adulteration of apple juice. U. S. v. 11 Cases * * *. (F. D. C. No. 32123. Sample No. 13509-L.)

LIBEL FILED: November 26, 1951, District of Utah.

ALLEGED SHIPMENT: On or about May 1, 1951, from Hood River, Oreg.

PRODUCT: 11 cases, each containing 12 1-quart, 14-fluid-ounce cans, of apple juice at Ogden, Utah.

LABEL, IN PART: "Hood River * * * Pure Apple Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 6, 1952. Default decree of condemnation and destruction.

18725. Adulteration of grape nectar. U. S. v. 511 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32893, 32894. Sample Nos. 16120-L, 36056-L.)

LIBELS FILED: March 19 and 20, 1952, Southern District of Ohio and Western District of Oklahoma.

ALLEGED SHIPMENT: On or about January 17 and 29, 1952, by Butterfield Canning Co., Inc., Warren, Ind.

PRODUCT: Grape nectar. 511 cases at Cincinnati, Ohio, and 14 cases at Oklahoma City, Okla.

LABEL, IN PART: "Contents 1 Qt. 14 Fl. Ozs. Val-Sweet Grape Nectar Packed by Val-Sweet Company San Francisco, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

DISPOSITION: April 16 and 25, 1952. Default decrees of condemnation and destruction.

18726. Adulteration of blackberry preserves and apple butter. U. S. v. 32 Cases, etc. (F. D. C. No. 32113. Sample Nos. 31333-L, 31335-L, 31336-L.)

LIBEL FILED: November 21, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about October 9 and 10 and November 1, 1951, by the Salomo Food Products Co., from St. Louis, Mo.

PRODUCT: 32 cases, each containing 24 1-pound jars, of blackberry preserves, and 64 cases, each containing 12 1-pound, 13½-ounce jars, of apple butter at Granite City, Ill.

LABEL, IN PART: "C. W. Brand Pure Blackberry Preserves [or "Apple Butter"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances, by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 18, 1951. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

18727. Adulteration of canned beans in chili gravy. U. S. v. 147 Cases * * *. (F. D. C. No. 32069. Sample Nos. 13578-L, 13808-L.)

LIBEL FILED: On or about November 19, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 23 and 24, 1951, by the Ellis Canning Co., from Denver, Colo.

PRODUCT: 147 cases, each containing 24 15½-ounce cans, of beans in chili gravy at Kansas City, Mo.

LABEL, IN PART: "Ellis Western Style Brown Beans In Tasty Chili Gravy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained added deleterious substances, stones and other extraneous material, which may have rendered it injurious to health.

DISPOSITION: On or about November 29, 1951. Default decree of condemnation. The court ordered that the product be delivered to a municipal farm. On November 29, 1951, the product was fed to hogs.

18728. Adulteration of dried cranberry beans. U. S. v. 45 Bags * * *.
(F. D. C. No. 31459. Sample No. 30043-L.)

LIBEL FILED: August 8, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about September 29, 1950, from San Francisco, Calif.

PRODUCT: 45 100-pound bags of dried cranberry beans at Seattle, Wash., in possession of Ames Terminal.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 6, 1951. J. R. Green, Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the beans be released under bond for the purpose of segregating and sorting, under the supervision of the Federal Security Agency. As a result of the segregation operations, 13 bags of beans were found unfit and were converted into animal feed.

18729. Misbranding of canned peas. U. S. v. 705 Cases * * *. (F. D. C. No. 31890. Sample No. 9752-L.)

LIBEL FILED: October 15, 1951, Northern District of Indiana.

ALLEGED SHIPMENT: On or about June 29, and July 19, 1951, by the Winchester Canning Co., Canal Winchester, Ohio.

PRODUCT: 705 cases, each containing 24 1-pound cans, of peas at Fort Wayne, Ind.

LABEL, IN PART: (Can) "Q P Cu-Pee Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was a smooth-skin variety of peas and was substandard in quality since its alcohol-insoluble solids were more than 23.5 percent, and its label failed to bear a statement indicating that the article was substandard.

DISPOSITION: February 4, 1952. The Winchester Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled, under the supervision of a representative of the Federal Security Administrator.

18730. Misbranding of chow mein. U. S. v. 129 Cases * * *. (F. D. C. No. 32133. Sample No. 10242-L.)

LIBEL FILED: November 20, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 6 and 25, 1951, by Chun King Sales, Inc., from Duluth, Minn.

PRODUCT: 129 cases, each case containing 24 deals, of chow mein and noodles. Each deal consisted of 1 can of chow mein and 1 can of noodles.

LABEL, IN PART: "Chun King Meatless Chow Mein with Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "with Mushrooms" was misleading since the product contained an inconsequential amount of mushrooms.

DISPOSITION: June 12, 1952. Chun King Sales, Inc., having appeared as claimant, judgment was entered ordering the product released under bond to be relabeled, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

18731. Adulteration of canned tomatoes. U. S. v. 623 Cases * * *. (F. D. C. No. 32007. Sample No. 3694-L.)

LIBEL FILED: November 7, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about October 6, 1951, by Robbins Bros., from Drawbridge, Md.

PRODUCT: 623 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Washington, D. C.

LABEL, IN PART: "Robbins Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was undergoing progressive decomposition.

DISPOSITION: December 18, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that 2 cases of the product be delivered to the Food and Drug Administration and that the remainder be released under bond to the claimant for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. 616 cases and 1 can were salvaged as fit for human consumption.

18732. Misbranding of canned tomatoes. U. S. v. 1,010 Cases * * *. (F. D. C. No. 32083. Sample No. 7865-L.)

LIBEL FILED: November 7, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 4 and 10, 1951, by the John T. Handy Co., from Crisfield, Md.

PRODUCT: 1,010 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bradford, Pa.

LABEL, IN PART: "Handy Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: November 27, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

18733. Misbranding of canned tomatoes. U. S. v. 698 Cases, etc. (F. D. C. No. 32158. Sample Nos. 23757-L, 23758-L.)

LIBEL FILED: November 19, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about September 18, 1951, by S. W. Dolby & Sons, from Whitehaven, Md.

PRODUCT: Canned tomatoes. 698 cases, at New Britain, Conn., and 683 cases at Meriden, Conn.

LABEL, IN PART: "Seal of Merit Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes. The 698-case lot at New Britain contained excessive peel and the drained weight of the 683-case lot at Meriden was less than 50% of the weight of water required to fill the containers, and the labels of the product failed to bear a statement that it fell below the standard, as required by the regulations.

DISPOSITION: January 16, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

18734. Misbranding of canned tomatoes. U. S. v. 401 Cases * * *. (F. D. C. No. 32140. Sample No. 6949-L.)

LIBEL FILED: November 29, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 29, 1951, by the Howard Canning Co., from Pendleton, Ind.

PRODUCT: 401 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Pittsburgh, Pa.

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product failed to conform to the standard of identity for canned tomatoes since calcium salts had been added and the label failed to state that calcium salts had been added, as required by the standard.

DISPOSITION: January 29, 1952. H. F. Behrhorst & Son, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

18735. Adulteration of tomato catsup. U. S. v. 700 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 32130, 32294, 32295. Sample Nos. 22400-L, 22401-L, 32321-L.)

LIBELS FILED: November 26 and December 20, 1951, Eastern District of Missouri and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 29 and October 3, 6, 16, and 19, 1951, by the G. S. Suppiger Co. from Collinsville, Ill.

PRODUCT: Tomato catsup. 700 cases, each containing 24 12-ounce bottles, and 250 cases, each containing 24 6-ounce bottles, at St. Louis, Mo., and New Orleans, La.

LABEL, IN PART: (Bottles) "Brooks Old Original Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 18, 1952. Default decrees of condemnation and destruction.

18736. Adulteration of tomato puree. U. S. v. 157 Cases * * *. (F. D. C. No. 32488. Sample No. 24789-L.)

LIBEL FILED: February 6, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 23, 1951, by the Poggioli Canning Corp., from East Vineland, N. J.

PRODUCT: 157 cases, each containing 6 6-pound, 6-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: "Poggioli Brand Whole Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 30, 1952. Default decree of condemnation and destruction.

MEAT AND POULTRY

18737. Adulteration of pig hearts. U. S. v. 193 Boxes * * *. (F. D. C. No. 31485. Sample No. 12391-L.)

LIBEL FILED: August 17, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 30, 1951, by the Hygrade Food Products Corp., from Detroit, Mich.

PRODUCT: 193 boxes, each containing 100 pounds, of pig hearts at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of sour pig hearts, and was otherwise unfit for food by reason of its offensive odor.

DISPOSITION: August 31, 1951. The Hygrade Food Products Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. 3,634 pounds of the product were found unfit and were converted into tankage.

18738. Adulteration of dressed poultry. U. S. v. 360 Pounds * * *. (F. D. C. No. 31948. Sample No. 26373-L.)

LIBEL FILED: October 24, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 16, 1951, by the Delmarva Poultry Corp., from Milford, Del.

PRODUCT: 360 pounds of dressed poultry at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: December 5, 1951. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of one crate which was ordered delivered to the Food and Drug Administration.

18739. Adulteration of dressed poultry. U. S. v. 283 Pounds * * *. (F. D. C. No. 31947. Sample No. 3344-L.)

LIBEL FILED: October 24, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 15, 1951, by the Royal Poultry Corp., from Frankford, Del.

PRODUCT: 283 pounds of dressed poultry at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: December 5, 1951. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of 1 crate which was ordered delivered to the Food and Drug Administration.

18740. Adulteration of dressed poultry. U. S. v. 220 Pounds * * *. (F. D. C. No. 31959. Sample No. 25049-L.)

LIBEL FILED: October 29, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 16, 1951, by the Millsboro Poultry Co., from Millsboro, Del.

PRODUCT: 220 pounds of dressed poultry at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: December 20, 1951. A default decree of condemnation and destruction was entered, with the provision that a sample of the product be delivered to the Federal Security Agency.

18741. Adulteration of dressed poultry. U. S. v. 127 Pounds * * *. (F. D. C. No. 31147. Sample No. 24329-L.)

LIBEL FILED: May 24, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 8, 1951, by the Maplewood Packing Co., from Belfast, Maine.

PRODUCT: 127 pounds of dressed poultry in 2 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: June 12, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

18742. Misbranding of chickens. U. S. v. 90 Cartons * * *. (F. D. C. No. 31933. Sample No. 3576-L.)

LIBEL FILED: On or about October 22, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about September 25 and October 4 and 9, 1951, by the American Stores Co., Warehouse #4, from Philadelphia, Pa.

PRODUCT: 90 cartons each containing 10 chickens at Baltimore, Md.

LABEL, IN PART: "Empire Four Star Pheasanettes."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Pheasantettes" was false and misleading since the birds were not pheasants; Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: November 16, 1951. The American Stores Co., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

18743. Adulteration of frozen turkeys. U. S. v. 120 Boxes * * *. (F. D. C. No. 30469. Sample No. 92283-K.)

LIBEL FILED: January 5, 1951, Northern District of New York.

ALLEGED SHIPMENT: On or about December 1, 1950, by Roy O. Frantz, from Pueblo, Colo.

PRODUCT: 120 boxes each containing from 3 to 8 frozen turkeys at West Albany, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 25, 1951. Roy O. Frantz, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by a thorough scrubbing and rinsing of the turkeys and the removing of all unfit parts, under the supervision of the Federal Security Agency.

18744. Adulteration of chicken giblets. U. S. v. 49 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 32085, 32086. Sample Nos. 12541-L, 12682-L.)

LIBEL FILED: November 7 and 8, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 5, 1951, by Firestone & Co., from Troutville, Va.

PRODUCT: Chicken giblets. 49 bags at Columbus, Ohio, and 184 bags at Cincinnati, Ohio. Each bag contained from 25 to 35 sets of chicken giblets (heart, liver, and gizzard).

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of feathers, dirt, fecal material, and miscellaneous debris.

DISPOSITION: December 10, 1951, and January 10, 1952. Default decree of destruction.

NUTS

18745. Adulteration of unshelled brazil nuts. U. S. v. 56 Bags * * *. (F. D. C. No. 32141. Sample No. 35257-L.)

LIBEL FILED: November 29, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about November 24, 1951, by the Winston & Newell Co., from Aberdeen, S. Dak.

PRODUCT: 56 100-pound bags of unshelled brazil nuts at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moldy, rancid, and otherwise decomposed nuts.

DISPOSITION: November 29, 1951. The Tew-Harper Co. having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 4,000 pounds of the product were salvaged and the remainder destroyed.

18746. Adulteration of unshelled pecans. U. S. v. 40 Bags * * * (and 3 other seizure actions). (F. D. C. Nos. 28343, 28355, 28379, 28380, 28562. Sample Nos. 55729-K, 55734-K to 55738-K, incl., 55744-K.)

LIBELS FILED: Between the approximate dates of November 21 and December 15, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 30 and October 3 and 14, 1949, by the Consolidated Pecan Sales Co., from Albany, Ga.

PRODUCT: 132 100-pound bags, 143 50-pound bags, and 939 1-pound bags of unshelled pecans at Kansas City, Mo.

LABEL, IN PART: "King Cole Paper Shell Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed pecans, and was otherwise unfit for food by reason of the presence of shriveled pecans.

DISPOSITION: December 8 and 22, 1949. The Consolidated Pecan Sales Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The good portion of the product was segregated from the unfit, with the result that 1,765 pounds were found to be unfit and were destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

18747. Adulteration of whole caraway seed, whole mixed spice, whole mixed pickle spice, and ground coriander seed. U. S. v. New Orleans Import Co., Ltd., and Ronalde C. McClure. Pleas of nolo contendere. Fine of \$400 against firm. Imposition of sentence against individual defendant suspended; individual placed on probation for 1 year. (F. D. C. No. 31121. Sample Nos. 21629-L to 21631-L, incl., 21638-L.)

INFORMATION FILED: August 29, 1951, Eastern District of Louisiana, against the New Orleans Import Co., Ltd., a corporation, New Orleans, La., and Ronalde C. McClure, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of November 6, 1950, and February 21, 1951, from the State of Louisiana into the States of Alabama and Mississippi.

LABEL, IN PART: "Rex Spices Whole Caraway Seed," "Rex-Brand Whole-Mixed Spice," "Rex-Brand Whole-Mixed Pickle Spice," and "Rex-Brand Pure Ground Coriander."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of whole insects, insect

larvae, insect parts, and rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 4, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$400 against the corporation, suspended the imposition of sentence against the individual, and placed the individual on probation for 1 year.

18748. Adulteration of paprika. U. S. v. 86 Bags * * *. (F. D. C. No. 29925. Sample No. 77283-K.)

LIBEL FILED: On or about October 13, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 22, 1950, from New York, N. Y.

PRODUCT: 86 110-pound bags of paprika at Trenton, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1950. The Knickerbocker Mills Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned, with the result that 3,734 pounds were found unfit and were destroyed.

18749. Adulteration and misbranding of black pepper. U. S. v. 1 Drum * * *. (F. D. C. No. 30855. Sample No. 24144-L.)

LIBEL FILED: March 20, 1951, Southern District of New York.

ALLEGED SHIPMENT: On a date unknown, from the country of India.

PRODUCT: 1 100-pound drum of black pepper at New York, N. Y. Examination showed that the product was a mixture of black pepper and paradise seeds.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seeds had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label designation "Ground Black Pepper" was false and misleading.

The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: May 15, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18750. Adulteration and misbranding of black pepper. U. S. v. 1 Drum * * *. (F. D. C. No. 30856. Sample No. 24143-L.)

LIBEL FILED: March 20, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 5, 1951, by Frank Gazzara, from Hammonton, N. J.

PRODUCT: 1 25-pound drum of black pepper at New York, N. Y. Examination showed that the product was a mixture of black pepper and paradise seeds.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seeds had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label designation "Pure Ground Black Pepper" was false and misleading.

DISPOSITION: May 15, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 18701 TO 18750

PRODUCTS

	N. J. No.		N. J. No.
Apple butter_____	18726	Fruits and vegetables—Continued	
juice_____	18724	tomatoes and tomato prod-	
Beans, brown, canned, in chili		ucts_____	18731-18736
gravy _____	18727	vegetables and vegetable prod-	
cranberry, dried_____	18728	ucts_____	18727-18730
Blackberry preserves_____	18726	Giblets, chicken_____	18744
Blue cheese_____	18708	Grape nectar_____	18725
Brazil nuts, unshelled_____	18745	Meat and poultry_____	18737-18744
Buckwheat and wheat pancake		Milk, nonfat solids_____	18711
flour _____	18703	Nuts_____	18745, 18746
Butter_____	18706, 18707	Oysters_____	18717-18719
Caraway seed, whole_____	18747	Pancake flour, buckwheat and	
Catsup, tomato_____	18735	wheat_____	18703
Cereals and cereal products_____	18701-18705	Paprika_____	18748
Cheese, blue_____	18708	Peaches, canned_____	18722
grated _____	18709	Pears, canned_____	18723
Cherries, canned_____	18721	Peas, canned_____	18729
Chickens. See Meat and poultry.		Pecans, unshelled_____	18746
Chow mein_____	18730	Pepper, black_____	18749, 18750
Cider, apple. See Apple juice.		Pickle spice, whole, mixed_____	18747
Cod fillets, frozen_____	18716	Pig hearts_____	18737
Coriander seed, ground_____	18747	Poultry. See Meat and Poultry.	
Cranberry beans, dried_____	18728	Preserves, blackberry_____	18726
Dairy products_____	18706-18711	Rice _____	18704, 18705
Egg(s), frozen_____	18712-18714	Shellfish. See Fish and shellfish.	
skimmings, dried_____	18715	Shrimp, frozen_____	18720
Fish and shellfish_____	18716-18720	Spices, flavors, and seasoning	
Flavors. See Spices, flavors, and		materials_____	18747-18750
seasoning materials.		Tomato(es), canned_____	18731-18734
Flour _____	18701-18703	catsup _____	18735
Fruits and vegetables_____	18721-18736	puree _____	18736
fruit, canned_____	18721-18723	Turkeys. See Meat and poultry.	
miscellaneous fruit products_	18724-18726	Vegetables. See Fruits and vege-	
		tables.	
		Welsh rabbit_____	18710

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
American Stores Co., Warehouse		Borst & Burhans Co.:	
#4:		buckwheat and wheat pancake	
chickens_____	18742	flour _____	18703
Ames Terminal:		Butterfield Canning Co., Inc.:	
dried cranberry beans_____	18728	grape nectar_____	18725
Bivalve Oyster Packing Co.:		Central Farm Products Co.:	
oysters_____	18719	nonfat dry milk solids_____	18711

	N. J. No.		N. J. No.
Chun King Sales, Inc.:		Nanking Noodle Co.:	
chow mein-----	18730	rice-----	18704
Consolidated Pecan Sales Co.:		New Orleans Import Co., Ltd.:	
unshelled pecans-----	18746	whole caraway seed, whole	
Continental Cheese Co.:		mixed spice, whole mixed	
grated cheese-----	18709	pickle spice, and ground cori-	
Delmarva Poultry Corp.:		ander seed-----	18747
dressed poultry-----	18738	Noroian, George, Co.:	
Dolby, S. W., & Sons:		canned peaches-----	18722
canned tomatoes-----	18733	Ocoma Foods Co., Div. of Omaha	
Ellis Canning Co.:		Cold Storage Co.:	
canned brown beans in chili		dried egg skimmings-----	18715
gravy-----	18727	Orleans Poultry Co.:	
Ferguson, J. W., Seafood Co.:		frozen eggs-----	18712
oysters-----	18717	Petersen Packing Corp.:	
Firestone & Co.:		frozen eggs-----	18713
chicken giblets-----	18744	Poggioli Canning Corp.:	
Frantz, R. O.:		tomato puree-----	18736
frozen turkeys-----	18743	Rival Foods, Inc.:	
Gazzara, Frank:		buckwheat and wheat pancake	
black pepper-----	18750	flour-----	18703
Globe Warehouse Co.:		Robbins Bros.:	
rice-----	18705	canned tomatoes-----	18731
Gloucester Seafood Packing Co.:		Ross Produce Co.:	
oysters-----	18718	frozen eggs-----	18713
Gorton-Pew Fisheries Co., Ltd.:		Royal Poultry Corp.:	
frozen cod fillets-----	18716	dressed poultry-----	18739
Handy, John T., Co.:		Salomo Food Products Co.:	
canned tomatoes-----	18732	blackberry preserves and apple	
Howard Canning Co.:		butter-----	18726
canned tomatoes-----	18734	Smith, H. T.:	
Hunt Foods, Inc.:		buckwheat and wheat pancake	
canned pears-----	18723	flour-----	18703
Hygrade Food Products Corp.:		Sue Ann Food Products Corp.:	
pig hearts-----	18737	Welsh rabbit-----	18710
International Milling Co.:		Suppiger, G. S., Co.:	
flour-----	18701	tomato catsup-----	18735
McClure, R. C.:		Swanson, C. A., & Sons:	
whole caraway seed, whole		butter-----	18706
mixed spice, whole mixed		Tri-City Produce Co., Inc.:	
pickle spice, and ground cori-		butter-----	18706
ander seed-----	18747	Val-Sweet Co.:	
Maplewood Packing Co.:		grape nectar-----	18725
dressed poultry-----	18741	Wegner Canning Corp.:	
Merchants Creamery Co.:		canned cherries-----	18721
butter-----	18707	Winchester Canning Co.:	
Meyer, L., & Co., Inc.:		canned peas-----	18729
frozen eggs-----	18714	Winston & Newell Co.:	
Millsboro Poultry Co.:		brazil nuts-----	18745
dressed poultry-----	18740	Woodcleft Fisheries:	
		frozen shrimp-----	18720